

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
AND RECORD OF ACTION**

July 8, 2014

**FROM: MARK A. HARTWIG, Fire Chief/Fire Warden
San Bernardino County Fire Protection District**

**SUBJECT: ADOPTION AND AMENDMENT OF THE 2013 EDITIONS OF THE CALIFORNIA
FIRE AND RESIDENTIAL CODES**

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Fire Protection District, adopt and amend ordinance relating to the 2013 Editions of the California Fire and Residential Codes (**Ordinance No. FPD 14-03**) which were originally introduced on June 3, 2014 (Item No. 88) and continued to June 24, 2014 (Item No. 120).

(Presenter: Mark A. Hartwig, Fire Chief/Fire Warden, 387-5779)

BACKGROUND INFORMATION

The ordinance relating to the Adoption and Amendment of the 2013 Editions of the California Fire and Residential Codes were introduced on June 3, 2014, Item No. 88 and continued to June 24, 2014, Item No. 120 for public hearing. The recommendation before the Board of Directors today will adopt the ordinance on the Consent Calendar.

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cc: w/ordinance
SBCFPD-Hartwig
County Counsel-Hardy
File - SBCFPD w/attach
jr 7/10/14

ITEM 64

Record of Action of the Board of Directors

**APPROVED (CONSENT CALENDAR)
COUNTY OF SAN BERNARDINO
San Bernardino County Fire Protection District**

MOTION	<u>AYE</u> 1	<u>AYE</u> 2	<u>SECOND</u> 3	<u>MOVE</u> 4	<u>AYE</u> 5
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LAURA H. WELCH, SECRETARY

BY _____

DATED: July 08, 2014

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ORDINANCE NO. FPD 14-03

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT,
STATE OF CALIFORNIA, ADOPTING SAN BERNARDINO
COUNTY FIRE CODE (REFERENCING THE 2013 EDITION
OF THE CALIFORNIA FIRE CODE AND 2013 EDITION OF
THE CALIFORNIA RESIDENTIAL CODE) ALONG WITH
CERTAIN CHANGES, MODIFICATIONS, AMENDMENTS,
ADDITIONS, DELETIONS, AND EXCEPTIONS, RELATING
TO FIRE REGULATIONS.**

The Board of Directors of the San Bernardino County Fire Protection District,
State of California, ordains as follows:

SECTION 1. This ordinance is hereby enacted as the San Bernardino County
Fire Protection District Fire Code, to read:

**SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
CODE**

Sections:

- 1. Findings and Adoption of the California Fire Code and California
Residential Code.**
- 2. Amendments to the California Fire Code.**
- 3. Amendments to the California Residential Code.**
- 4. Referenced Codes and Standards.**
- 5. Conflicting Provisions.**
- 6. Validity and Severability.**
- 7. No Liability or Warranty.**
- 8. Authority - General.**
- 9. Authority at Fires and Other Emergencies.**
- 10. Authority to Inspect, Issue Notices and Administrative Citations or**

- 1 **Abate a Public Nuisance.**
- 2 **11. Closure of Public and Private Lands.**
- 3 **12. Interference Unlawful.**
- 4 **13. Official Records.**
- 5 **14. Permits Required.**
- 6 **15. Fees.**
- 7 **16. Applications and Permits – Abandonment, Period of Validity,**
- 8 **Expiration and Extensions.**
- 9 **17. Permits not Transferable.**
- 10 **18. Permit Revocation.**
- 11 **19. Operation or Construction Without a Permit or With an Expired or**
- 12 **Revoked Permit.**
- 13 **20. Issuance of Stop Work Orders.**
- 14 **21. Failure to Comply with a Stop Work Order.**
- 15 **22. Service of Notices and Orders.**
- 16 **23. Tampering with Notices, Orders or Seals Unlawful.**
- 17 **24. Overcrowding Unlawful.**
- 18 **25. Obstructed Egress Unlawful.**
- 19 **26. Open Fires.**
- 20 **27. Explosives, Fireworks, Pyrotechnics, Rockets and Rocket Motors.**
- 21 **28. Prohibited Storage of Flammable and Combustible Liquids.**
- 22 **29. Prohibited Bulk Storage of Liquefied Petroleum Gases.**
- 23 **30. Prohibited Storage of Flammable Cryogenic Fluids.**
- 24 **31. Transport Vehicles and Trailers Storing Hazardous Materials.**
- 25 **32. Joint Emergency and Fire Apparatus Access Roads.**
- 26 **33. Violations - General.**
- 27 **34. Continuing Violations.**
- 28 **35. Acts Including Causing, Aiding and Abetting.**

- 1 **36. Enforcement – Purpose and Remedies.**
- 2 **37. Enforcement Remedies and Penalties are Cumulative and**
- 3 **Discretionary; Not Exclusive.**
- 4 **38. Criminal Actions.**
- 5 **39. Authority to Investigate, Detain, Issue Criminal Citations and Arrest.**
- 6 **40. Civil Actions.**
- 7 **41. Administrative Citations and Penalties - General.**
- 8 **42. Administrative Citations and Penalties – Dangerous Fireworks and**
- 9 **Unlawful Use of Safe & Sane Fireworks.**
- 10 **43. Administrative Citations and Penalties – Egregious Violations.**
- 11 **44. Administrative Citations and Penalties – False and Negligent Fire**
- 12 **Alarm Program.**
- 13 **45. Appeal of Administrative Citations.**
- 14 **46. Recording of a Notice of Pendency.**
- 15 **47. Filing Notice of Action.**
- 16 **48. Public Nuisance Abatement of Fire Hazards.**
- 17 **49. Board of Appeals – Code Application and Interpretations.**
- 18 **50. Cost Recovery.**
- 19 **51. Treble Damages.**

20 **1. Findings and Adoption of the California Fire Code and California**
21 **Residential Code.**

22 (a) **FINDINGS.** The Board of Directors of the San Bernardino County Fire
23 Protection District hereby finds as follows:

24 (1) That the California Fire Code, 2013 Edition, and 2012 International
25 Fire Code, the California Residential Code, 2013 Edition, and the 2012 International
26 Residential Code, are nationally recognized compilations of proposed rules, regulations,
27 and standards of the International Code Council, Inc.

28 (2) That said California Fire Code, the International Fire Code and the

1 California Residential Code have been printed and published as a code in book form
2 within the meaning of Section 50022.2 et seq. of the California Government Code.

3 (3) That the sections and subsections of said California Fire Code, the
4 International Fire Code, and the California Residential Code may be referred to by the
5 number used in said published compilation preceded by the words "California Fire Code
6 Section," "California Residential Code," "Fire Code Section," or "Subsection" and may
7 also be referred to by additional reference to the ordinances of the San Bernardino
8 County Fire Protection District and sections therein pertaining to said California Fire
9 Code, International Fire Code, and California Residential Code.

10 (4) That California Health and Safety Code Section 13869 et seq.
11 provides, in pertinent part, that a District may make such changes or modifications to
12 the provisions published in the California Building Standards Code and other regulations
13 adopted pursuant to Section 17922 as it determines are reasonably necessary because
14 of local climatic, geological and topographical conditions.

15 (5) That the additional requirements and standards established herein
16 are needed to properly protect the health, safety, and welfare of the existing and future
17 residents and workers of the San Bernardino County Fire Protection District. Said
18 requirements and standards are reasonably necessary because of local climatic,
19 geological, and topographical conditions described herein. This finding is based upon
20 the express findings and determinations on the proposed amendments on file with the
21 Building Standards Commission.

22 (6) Local Climatic Conditions.

23 (A) The District is subject to extremely strong winds, commonly
24 known as "Santa Ana Winds" which can reach speeds in excess of 90 miles per hour.
25 Extensive damage frequently accompanies these winds, such as blowing sand and
26 debris, downed power lines, fallen trees, overturned vehicles and structural damage to
27 buildings. These conditions result in increased demand for fire services, blocked or
28 delayed emergency vehicle access and impaired water supplies and building

1 emergency systems.

2 (B) During the summer months, the Santa Ana Winds produce
3 periods of extremely low humidity, thereby reducing the fuel moisture and increasing the
4 possibility and severity of fire from dry vegetation and other common combustibles.

5 (C) During the summer months, much of the District experiences
6 prolonged periods of temperatures in excess of 100°F. When coupled with sustained
7 severe Santa Ana Winds, an increase in the threat from rapidly moving wildfires exists.

8 (D) During the winter months, heavy rains routinely cause
9 damage to roadways rendering them completely impassible, or with limited access,
10 sometimes for extended periods.

11 (E) During winter months, heavy snow and ice conditions exist in
12 the mountain areas resulting in increased demand for fire services and limiting or
13 delaying emergency vehicle access. In some cases, emergency vehicle access roads
14 are completely impassible, or have limited access, sometimes for extended periods.

15 (7) Local Geological Conditions.

16 (A) The District is subject to moderately strong to severe
17 shaking and surface ruptures resulting from numerous known earthquake faults located
18 throughout the District. These local earthquake faults have the potential to cause
19 severe personal and property damage, utility interruptions, fire hazards and hazardous
20 materials releases. Additionally, significant roadway, bridge structure, water supply and
21 communications systems are subject to failure, thereby causing a detriment to
22 emergency services response.

23 (B) Unstable slopes in several areas throughout the District have
24 experienced soil movement as a result of heavy or soaking rains, resulting in damage to
25 roadways, structures and utilities.

26 (C) Some desert areas of the District have limited aquifers,
27 exceptionally deep aquifers or aquifers providing only brackish or contaminated water
28 supplies. This limits, or in some cases eliminates, water supplies available for

1 firefighting purposes.

2 (D) The District has many areas with rich deposits of minerals
3 resulting in the presence of many subsurface and strip mining operations. These
4 operations pose special problems due to confined access and large quantities of fuels
5 and explosive materials.

6 (8) Local Topographical Conditions.

7 (A) The District encompasses an exceptionally large
8 geographical area with limited access routes connecting valley, mountain and desert
9 areas. This distance, combined with these limited access routes, results in delays in the
10 reallocation of resources to emergency scenes.

11 (B) The topography of the District is exceptionally diverse,
12 ranging from relatively flat desert and valley areas, to foothill areas, canyon areas and
13 steep mountainous areas. This results in some areas that are inaccessible to radio
14 communications, which hampers emergency response capabilities.

15 (C) The large geographical area and diverse topography of the
16 District results in numerous water purveyors and water pressure zones throughout the
17 response areas. This results in many areas having limited, unreliable or unavailable
18 water supplies available for firefighting purposes.

19 (D) The District is traversed by several State Freeways and
20 Interstate Highways, which provide for limited under or over crossing access points for
21 emergency vehicles to cross to adjacent areas. These highways also restrict the ability
22 of the local water supply grids to provide water from multiple points to all areas and
23 necessitates the use of dead-end water mains in many areas adjacent to these
24 highways.

25 (E) The District is traversed by two major active railroad main
26 rail systems. These rail systems are used for both commuter and large freight trains,
27 including the transportation of large quantities of hazardous materials. These rails
28 provide for limited under or over crossing access points for emergency vehicles to cross

1 to adjacent areas. Emergency vehicles experience frequent delays at grade crossings
2 until passenger and/or lengthy freight trains clear the grade crossings.

3 (F) Due to the size and topography of the District, it is traversed
4 by several high voltage electrical transmission lines which cross over inaccessible
5 desert and foothill brush-covered areas, as well as heavily forested steep mountain
6 areas. High winds have caused damage to these lines, resulting in vegetation fires.
7 Access to many of these areas is unavailable to vehicles, making response to these
8 fires unusually difficult.

9 (G) Several large, high-pressure natural gas transmission lines
10 traverse the District to transport natural gas at pressures exceeding 500 p.s.i. These
11 lines pass through, under or over steep terrain and wildfire-prone areas and are also
12 subject to damage due to flooding or seismic events.

13 (H) Several large petroleum product pipelines cross the District
14 to transport large quantities of gasoline, diesel fuel and jet fuels under extremely high
15 pressures. While generally underground, these pipelines pass through, under or over
16 steep terrain and wildfire-prone areas and overhead at several overpasses located over
17 thoroughfares and waterways. Damage to these pipelines has been experienced during
18 rail accidents and flooding conditions. Additionally, these pipelines and their pumping
19 and valve stations are subject to damage from seismic events.

20 (9) That the local climatic, geological and topographical conditions
21 found herein together present increased hazard potentials that create a reasonable
22 necessity to facilitate the ability of the Fire Code Official to establish increased
23 administrative penalties in order to prevent the use of dangerous fireworks and the
24 unlawful use of safe and sane fireworks, as well as to prevent and discourage egregious
25 and other fire safety violations where public safety is at higher risk.

26 (b) **ADOPTION OF THE CALIFORNIA FIRE CODE.** The Board of Directors
27 of the San Bernardino County Fire Protection District hereby adopts the 2013 edition of
28 the California Fire Code (CFC), also known as Part 9 of Title 24 of the California Code

1 of Regulations (incorporating the 2012 International Fire Code), and Appendices as
2 compiled and published by the International Code Council.

3 (c) ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE. The Board of
4 Directors of the San Bernardino County Fire Protection District hereby adopts the 2013
5 edition of the California Residential Code (CRC), also known as Part 2.5 of Title 24 of
6 the California Code of Regulations (incorporating the 2012 International Residential
7 Code), as compiled and published by the International Code Council.

8 (d) ADOPTION OF THE INTERNATIONAL FIRE CODE. The Board of
9 Directors of the San Bernardino County Fire Protection District hereby adopts Chapters
10 8, 11, 25 and 26 in their entirety, as well as sections referenced below, of the 2012
11 edition of the International Fire Code (hereafter also to be known as the IFC), as
12 compiled and published by the International Code Council, and amended herein.

13 (e) ADOPTION OF THE SAN BERNARDINO COUNTY FIRE DEPARTMENT
14 FIRE PREVENTION STANDARDS. The Board of Directors of the San Bernardino
15 County Fire Protection District hereby adopts the San Bernardino County Fire
16 Protection District Fire Prevention Standards, current edition, as approved by the Fire
17 Chief/Fire Warden of the San Bernardino County Fire Department, for informational
18 purposes in clarifying and interpreting provisions of the California Fire Code, its
19 amendments, and referenced Standards.

20 (f) The provisions of the CFC, IFC, subsequent amendments, California Fire
21 Code Appendices and the San Bernardino County Fire Department Fire Prevention
22 Standards shall be collectively known as the 2014 San Bernardino County Fire
23 Protection District Fire Code (County Fire Code) and shall be applicable in all areas of
24 San Bernardino County within the San Bernardino County Fire Protection District, any
25 political subdivision or district that contracts with the San Bernardino County Fire
26 Protection District for fire protection and prevention services, and in those other cities,
27 towns and districts that ratify this Ordinance.

28 **2. Amendments to the California Fire Code.** The 2013 California Fire Code, also

known as Part 9 of Title 24 of the California Code of Regulations which is adopted in section (b), is hereby amended as follows:

(a) Chapter 1 is amended as follows:

(1) Section 104.10 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

104.10 Fire investigations. The Fire Code Official shall investigate the cause, origin and circumstances of any fire, explosion or other hazardous conditions. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

(2) Section 105.3.7 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.3.7 Information on the permit. The Fire Code Official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain the name of the permittee, a general description of the operation or occupancy, its location, the conditions of the permit, the period of validity or expiration date and any other information required by the Fire Code Official. Issued permits shall bear the signature of the Fire Code Official or other approved legal authorization.

(3) Section 105.4.6 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.4.6 Retention of Construction Permit Documents. One set of construction documents shall be retained by the Fire Code Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of approved construction permit documents shall be returned to the applicant. Documents, including issued permits, conditions, applicable job cards and approved plans, shall be kept on the site of the permitted activity, operation, building, work or premises at all times during which the activity, operation or work authorized thereby is in progress and shall be readily available for inspection.

(4) Section 105.6.1.3 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.2.1 Automobile Wrecking Yards. An operational permit is required to operate an automobile wrecking yard in accordance with section 304.4 of this code.

(5) Section 105.6.3.1 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.3.1 Battery Systems. An operational permit is required for a stationary storage battery system having an electrolyte capacity of more than 50 gallons as regulated by Chapter 6 of the California Fire Code.

(6) Section 105.6.4 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.4 Carnivals, Fairs, Block Parties and other Outdoor Assemblage. An operational permit is required to conduct a carnival, fair, block party, race, concert, parade or other similar outdoor assemblage whether, public or private, when,

(A) The event will have an anticipated attendance of 200 or more persons per day, or

(B) In the opinion of the Fire Code Official, a permit and specific conditions are required due to the nature or location of the activity.

(7) Section 105.6.9 is added to the San Bernardino County Fire Protection District Fire Code.

(8) Section 105.6.12 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.12 Dry Cleaning Plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

EXCEPTION: Dry cleaning plants using only Class IV solvents.

(9) Section 105.6.14 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale, use or public display of any quantity of explosives, or explosive materials.

EXCEPTIONS

- (A) small arms ammunition of .75 caliber or less
- (B) cartridges for propellant-actuated power devices
- (C) cartridges for industrial guns
- (D) 20 pounds or less of smokeless powder
- (E) 5 pounds or less of black sporting powder providing such smokeless or black sporting powder is for the hand loading of small arms or small arms ammunition of .75 caliber or less and that it is for personal use and not for resale.

(10) Section 105.6.15.1 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.15.1 Fireworks or Pyrotechnics Display. An operational permit is required to conduct a fireworks or pyrotechnics display before a public audience in accordance with Chapter 56 and California Code of Regulations, Title 19.

(11) Section 105.6.15.2 is added to the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.15.2 Fixed Hood and Duct Extinguishing Systems. An operational permit is required to utilize commercial cooking appliances, as defined in Section 602, with a Type I hood and an automatic fire extinguishing system as required by section 904.11.

(12) Sections 105.6.16 105.6.17, 105.6.18, and 105.6.19 are added to the San Bernardino County Fire Protection District Fire Code.

(13) Section 105.6.27 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

1 **105.6.27 Liquefied Petroleum Gases.** An operational permit is
2 required for the storage or use of Liquefied Petroleum Gasses.

3 **Exception:**

4 (A) A permit is not required for two or less 20-pound (nominal 5-
5 gallon) containers.

6 (B) A permit is not required for individual containers with a 500-
7 gallon (1893 L) water capacity or less serving Group R-3 occupancies as the primary
8 means of fuel for heating or cooking.

9 (14) Sections 105.6.28 and 105.6.29 are added to the San Bernardino
10 County Fire Protection District Fire Code.

11 (15) Section 105.6.30 is added to the San Bernardino County Fire
12 Protection District Fire Code and amended, to read:

13 **105.6.30 Open Fires.** An operational permit is required for the
14 kindling or maintaining of an open fire on any public street, alley, road, or other public or
15 private ground pursuant to Section 21.

16 (16) Section 105.6.31 is added to the San Bernardino County Fire
17 Protection District Fire Code and amended, to read:

18 **105.6.31 Open Flames and Torches.** An operational permit is
19 required to use a torch or open-flame device in a wildfire risk area.

20 (17) Section 105.6.32 is added to the San Bernardino County Fire
21 Protection District Fire Code and amended, to read:

22 **105.6.32. Open Flames in Assemblies and Indoor Uses.** An
23 operational permit is required to use open flames for entertainment or decorative
24 purposes in connection with indoor or outdoor assemblies, dining or drinking
25 establishments and other indoor commercial uses.

26 **EXCEPTION:** Candles and small-open flame decorative
27 devices in accordance with Section 308.

28 (18) Section 105.6.33 is added to the San Bernardino County Fire

1 Protection District Fire Code.

2 (19) Section 105.6.33.1 is added to the San Bernardino County Fire
3 Protection District Fire Code and amended, to read:

4 **105.6.33.1 Pallet Yards.** An operational permit is required to store,
5 manufacture, refurbish or otherwise handle combustible pallets in excess of 200 pallets.

6 (20) Section 105.6.34 is added to the San Bernardino County Fire
7 Protection District Fire Code.

8 (21) Sections 105.6.37 through 105.6.39 are added to the San
9 Bernardino County Fire Protection District Fire Code.

10 (22) Section 105.6.39.1 is added to the San Bernardino County Fire
11 Protection District Fire Code and amended, to read:

12 **105.6.39.1 Rockets.** An operational permit is required to sell or launch
13 model rocket motors, experimental unlimited rocket motors and experimental/high
14 powered rocket motors. Such sales and launching shall be in accordance with Section
15 22 of the California Fire Code.

16 (23) Section 105.6.40 is added to the San Bernardino County Fire
17 Protection District Fire Code.

18 (24) Section 105.6.40.1 is added to the San Bernardino County Fire
19 Protection District Fire Code and amended, to read:

20 **105.6.40.1 Seasonal Sales Lots.** An operational permit is required to
21 operate an outdoor display and sales area of seasonal items including, but not limited
22 to, fireworks, pumpkins or Christmas trees.

23 (25) Sections 105.6.41 and 105.6.42 are added to the San Bernardino
24 County Fire Protection District Fire Code.

25 (26) Sections 105.6.44 and 105.6.45 are added to the San Bernardino
26 County Fire Protection District Fire Code.

27 (27) Section 105.6.46 is added to the San Bernardino County Fire
28 Protection District Fire Code and amended, to read:

1 **105.6.46 Wood, Manure and Organic Product Storage.** An
2 operational permit is required to store or process wood chips, hogged material, lumber,
3 plywood, manure, compost or other combustible organic products in excess of 200
4 cubic feet (6 m³).

5 (28) Section 105.6.47 is added to the San Bernardino County Fire
6 Protection District Fire Code and amended, to read:

7 **105.6.47 Additional Permits.** In addition to the permits required by
8 Section 105.6, the following permits shall be obtained from the Fire Code Official prior to
9 engaging in the following activities, operations, practices, or functions:

10 (A) Production facilities. To change use or occupancy, or allow
11 the attendance of a live audience, or for wrap up parties.

12 (B) Motion picture and still photography production. To use any
13 facility or location for the purpose of documentary, educational, or commercial motion
14 picture, television, or still photography production of any type. A permit is required
15 regardless if pyrotechnic special effects, open flame, use of flammable or combustible
16 liquids and gases, welding, stunts involving vehicles or aircraft, or the parking of motor
17 vehicles will occur or not.

18 (C) Live audiences. To install seating arrangements for live
19 audiences in approved production facilities, production studios, and sound stages. See
20 Chapter 48 of the California Fire Code.

21 (29) Section 105.7.4.1 is added to the San Bernardino County Fire
22 Protection District Fire Code and amended, to read:

23 **105.7.4.1 Dust Collection Systems.** A construction permit is required
24 for the installation or modification of Dust Collection System required pursuant to
25 Chapter 22 and the standards listed in Table 2204.1 of the California Fire Code.

26 (30) Section 105.7.8.1 is added to the San Bernardino County Fire
27 Protection District Fire Code and amended, to read:

28 **105.7.8.1 High-Piled Storage.** A construction permit is required for

1 the installation or modification of a high-piled storage area in excess of 500 square feet.

2 (31) Section 105.7.10.1 is added to the San Bernardino County Fire
3 Protection District Fire Code and amended, to read:

4 **105.7.10.1 Marinas.** A construction permit is required to construct a
5 marina with facilities for mooring or servicing of 5 or more vessels, or with a marine
6 motor fuel-dispensing facility as regulated by Chapter 36 of the California Fire Code.

7 (32) Section 105.7.13 is added to the San Bernardino County Fire
8 Protection District Fire Code and amended, to read:

9 **105.7.13 Solar photovoltaic power systems.** A construction permit
10 is required to install or modify solar photovoltaic power systems.

11 **Exception:** A permit is not required for a one- or two-family
12 dwelling.

13 (33) Section 105.7.11.1 is added to the San Bernardino County Fire
14 Protection District Fire Code and amended, to read:

15 **105.7.11.1 Refrigeration Systems.** A construction permit is required to
16 install or modify a mechanical refrigeration unit or system regulated by Chapter 6 of the
17 California Fire Code.

18 (34) Section 105.7.11.2 is added to the San Bernardino County Fire
19 Protection District Fire Code and amended, to read:

20 **105.7.11.2 Smoke Control Systems.** A construction permit is required
21 to install or modify a Smoke Control System required by the San Bernardino County
22 Fire Protection District Fire Code or California Building Code.

23 (35) Section 105.7.11.3 is added to the San Bernardino County Fire
24 Protection District Fire Code and amended, to read:

25 **105.7.11.3 Solar Power Generating Stations.** A construction permit is
26 required to construct or modify a solar power generation station or system.

27 (36) Section 105.7.15 is added to the San Bernardino County Fire
28 Protection District Fire Code and amended, to read:

1 **105.7.15 Standpipe Systems.** A construction permit is required for
2 the installation, modification or removal from service of a standpipe system.
3 Maintenance performed in accordance with this Code is not considered a modification
4 and does not require a permit.

5 (37) Section 105.7.16 is added to the San Bernardino County Fire
6 Protection District Fire Code and amended, to read:

7 **105.7.16 Temporary membrane structures and tents.** A
8 construction permit is required to erect an air-supported temporary membrane structure
9 or tent having an area in excess of 400 square feet (37 m²).

10 **Exceptions:**

11 (A) Tents used exclusively for recreational camping purpose.

12 (B) Funeral tents and curtains, or extensions attached thereto,
13 when used for funeral services

14 (C) Tents and awnings open on all sides, which comply with all
15 of the following:

16 (I) Individual tents shall have a maximum size of 700
17 square feet (65 m²).

18 (II) The aggregate area of multiple tents placed side by
19 side without a fire break clearance of not less than 12 feet (3658 mm) shall not be
20 greater than 700 square feet (65 m²) total.

21 (III) A minimum fire break clearance of 12 feet (3658 mm)
22 to structures and other tents shall be maintained.

23 (b) Section 202 is amended, by adding or amending the following definitions:

24 **ALL WEATHER DRIVING SURFACE.** Any surface, as determined by a
25 qualified engineer licensed by the State of California, to adequately support the imposed
26 load of a fire apparatus and meets the intent of this code.

27 **APPROVED.** As defined in the San Bernardino County Fire Department Fire
28 Prevention Standards and Interpretations or as otherwise deemed acceptable by the

1 Fire Code Official.

2 **BARBECUE GRILL.** (Also known as a barbeque or BBQ). A portable or fixed
3 device, constructed of steel, concrete, clay, or other non-combustible material, for the
4 primary purpose of cooking food over a liquefied petroleum-, natural gas-, wood- or
5 charcoal-fueled fire. A barbecue may also include an outdoor bread-baking or pizza
6 oven.

7 **BARBECUE PIT.** A trench or depression in the ground in which wood or other
8 clean solid fuel is burned to produce a bed of hot coals for the sole purpose of cooking.
9 A barbecue pit having a fuel area greater than 3 feet in width or 2 feet in height shall be
10 considered a bonfire.

11 **BONFIRE.** An outdoor open fire burning clean materials other than rubbish,
12 where the fuel being burned is not contained in an incinerator, outdoor, fireplace,
13 portable outdoor fireplace or barbecue grill, has a total fuel area greater than 3 feet in
14 width, length or diameter or 2 feet in height, and is used for pleasure, religious,
15 ceremonial, cooking, warmth or other similar purposes.

16 **DEPARTMENT.** The San Bernardino County Fire Protection District.

17 **DISTRICT.** The San Bernardino County Fire Protection District.

18 **DRIVEWAY.** A privately owned, vehicular access road having a minimum
19 unobstructed width of 12 feet (3658 mm) that serves no more than two Group R,
20 Division 3 or Group U occupancies.

21 **FIRE CHIEF/FIRE WARDEN.** The chief officer of the San Bernardino County
22 Fire Protection District, or a duly authorized representative.

23 **FIRE CODE OFFICIAL.** The Fire Chief/Fire Warden of the San Bernardino
24 County Fire Protection District or a duly authorized representative charged with the
25 administration and enforcement of this code.

26 **OPEN BURNING PROJECT.** The burning of waste vegetative materials, tree
27 trimmings, agricultural burning, burning of Russian Thistle (tumbleweeds) and other
28 similar burning not otherwise classified as an Open Outdoor Fire, bonfire or recreational

1 fire pursuant to the Mojave, and South Coast Air Quality Management Districts' Rule
2 444.

3 **OPEN FIRE.** Any outdoor fire including a Barbecue Pit, Bonfire, Open Burning
4 Project, Portable Outdoor Fireplace, Recreational Fire, Residential Burning and burning
5 of items or structures for the purposes of destruction of contraband or for training by law
6 enforcement or fire department personnel.

7 **PERSON.** Individuals, businesses, general partnerships, limited partnerships,
8 joint ventures, corporations, trust, concern, organization, state and local government
9 entities, heirs, executors, administrators, receivers, or assigns, agents of the aforesaid,
10 and every other legal entity or association having legal obligations subject to the
11 provisions of this code.

12 **PORTABLE OUTDOOR FIREPLACE.** A portable, outdoor, solid-fuel burning
13 fireplace constructed of steel, concrete, clay or other non-combustible materials and
14 specifically designed for the containment of fire. A portable outdoor fireplace may have
15 an open design or may have a small hearth opening with a short chimney or opening in
16 the top. A portable outdoor fireplace having a fuel area greater than 3 feet in width or 2
17 feet in height shall be considered a bonfire.

18 **RECREATIONAL FIRE.** An outdoor open fire burning clean materials other than
19 rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace,
20 portable outdoor fireplace, barbecue grill or barbecue pit, and has a total fuel area equal
21 to or less than 3 feet in width, length or diameter and 2 feet in height for pleasure,
22 religious, ceremonial, cooking, warmth or other, similar purposes. Recreational fires
23 also include any campfire or fire ring.

24 **RESIDENTIAL BURNING.** The burning of trash, waste materials, tree and yard
25 trimmings or similar for disposal. For the purposes of this code, Residential Burning
26 shall also include the burning of similar items at commercial properties and on vacant
27 properties.

28 **SELF-CONTAINED RESIDENTIAL AUTOMATIC SPRINKLER SYSTEM.** An

1 approved fire sprinkler system, that conforms to Section 903.3.1.1, 903.3.1.2, or
2 903.3.1.3 of this code, NFPA standards 13, 13 R, or 13 D, or California Residential
3 Code Section R313 and San Bernardino County Fire Department Fire Prevention
4 Standards and Interpretations, and is supplied by a water source independent from a
5 municipal water distribution system. If the system is mechanically assisted by booster
6 pumps, it shall be independent from the dwelling's power supply.

7 **SKY LANTERNS.** Also known as Kongming Lantern, Chinese Lantern, Wish
8 Lantern or similar. A small hot air balloon used for entertainment, lighting or ceremonial
9 purposes, made of paper or similar lightweight material, with an opening at the bottom
10 where a small fire is suspended. Devices that are anchored to the ground or released
11 into the air without manual control fall under this definition.

12 **WILDFIRE RISK AREA.** Any area located within the Fire Safety Overlay areas
13 identified in the San Bernardino County Development Code, and any land otherwise
14 designated by the San Bernardino Fire Protection District, the County of San
15 Bernardino, and any city or town as a Wildland Urban Interface, Very High Fire Hazard
16 Severity Zone, High Fire Hazard Area, No Fireworks Safety Zone or any other land that
17 is covered with grass, grain, brush or forest, whether privately or publicly owned, which
18 is so situated or is of such inaccessible location that a fire originating upon it would
19 present an abnormally difficult job of suppression or would result in great or unusual
20 damage through fire or any other areas so designated by the Fire Code Official.

21 (c) Chapter 3 is amended as follows:

22 (1) Section 303 is added to the San Bernardino County Fire Protection
23 District Fire Code.

24 (2) Section 304.4 is added to the San Bernardino County Fire
25 Protection District Fire Code and amended, to read:

26 **304.4 Automobile wrecking yards.** Automobile wrecking yards and
27 associated combustible materials storage shall be in accordance with San Bernardino
28 County Fire Department Fire Prevention Standards. Automobile wrecking yards shall

1 require an operational permit in accordance with section 105 of this code.

2 (3) Sections 305 and 305.1 are added to the San Bernardino County
3 Fire Protection District Fire Code and section 305.1 is amended, to read:

4 **305.1 Clearance from Ignition Sources.** Clearance between ignition
5 sources such as luminaries, heaters, flame-producing devices and combustible
6 materials shall be a minimum of 18 inches or as required by other applicable codes.

7 (4) Section 305.3 is added to the San Bernardino County Fire
8 Protection District Fire Code and amended, to read:

9 **305.3 Open-flame Warning Devices.** Open-flame warning devices shall
10 not be used along an excavation, road or any other place where the dislodgment of
11 such device may permit the device to roll, fall or slide onto any area or land containing
12 combustible materials.

13 **Exception:** This Section shall not apply to public safety personnel
14 acting in the performance of their duties.

15 (5) Section 305.5 is added to the San Bernardino County Fire
16 Protection District Fire Code and amended, to read:

17 **305.5 Spark Arrestors.** Each chimney used in conjunction with a
18 fireplace, portable outdoor fireplace, or other heating appliance in which solid fuel is
19 burned, shall be maintained with an approved spark arrester. The spark arrester shall
20 have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized
21 wire or 24-gauge stainless steel. Openings shall not permit the passage of spheres
22 having a diameter larger than one-half inch (13 mm) maximum and shall not block the
23 passage of spheres having a diameter of less than three-eighths inch (10 mm). The
24 screen shall be mounted in or over all outside flue openings in a vertical and near
25 vertical position, adequately supported to prevent movement and shall be visible from
26 the ground. All spark arrestors shall be accessible and removable for cleaning.

27 (6) Section 308.1 is added to the San Bernardino County Fire
28 Protection District Fire Code and amended, to read:

1 **308.1 Open Flames - General.** Notwithstanding any other provision of
2 this code, open flames, fire and burning on all premises shall be in accordance with
3 Sections 308.1.1 through 308.4.1 and 19 CCR Sections 325(a) and (b).

4 (7) Sections 308.1.2 and 308.1.3 are added to the San Bernardino
5 County Fire Protection District Fire Code and section 308.1.3 is amended, to read:

6 **308.1.3 Torches for Removing Paint or Weeds, for Melting**
7 **Asphalt or for Welding or Cutting.**

8 (A) Torches and other flame-producing devices shall not be
9 used to remove paint from any structure or weeds from any premises.

10 (B) Notwithstanding any other provision of this code, persons
11 utilizing a torch or other flame-producing device for melting asphalt or for welding or
12 cutting shall provide a minimum of one portable fire extinguisher complying with Section
13 906 and with a minimum of a 4-A rating, or two portable fire extinguishers, each with a
14 minimum of a 2-A rating, or a water hose connected to a working water source. The
15 person conducting the burning or asphalt melting shall remain at the location for a
16 minimum of one hour after the torch or flame-producing device is utilized.

17 (8) Section 308.1.4 is added to the San Bernardino County Fire Protection
18 District Fire Code and amended, to read:

19 **308.1.4 Open-Flame Cooking Devices.** Charcoal burners and
20 other open-flame cooking devices shall not be operated on combustible balconies or
21 decks, or within 10 feet (3048 mm) of combustible construction.

22 **Exceptions:**

23 (A) One- and two-family dwellings where provisions are made to
24 prevent the fire from spreading to any combustible materials.

25 (B) Where buildings, balconies and decks are protected by an
26 automatic sprinkler system.

27 (C) LP-gas cooking devices having an LP-gas container with a
28 water capacity not greater than 2 ½ pounds. Containers shall not be manifolded

1 together to increase capacity.

2 (D) Cooking devices heated solely using a catalytic heating
3 element with no flame production.

4 For purposes of this section, the term "combustible" construction shall
5 meet the definition contained in Section 202 of the California Building Code.

6 (9) Section 308.1.5 is added to the San Bernardino County Fire
7 Protection District Fire Code and amended, to read:

8 **308.1.5 Locations Near Combustibles.** Notwithstanding Sections
9 305.1 and 308.3 et seq., open flames such as candles, lanterns, kerosene heaters, and
10 gas-fired shall not be located on or near decorative materials or similar combustible
11 materials.

12 (10) Section 308.1.9 is added to the San Bernardino County Fire
13 Protection District Fire Code and amended, to read:

14 **308.1.9 Sky Lanterns Prohibited.** The release or failure to prevent
15 the release of Sky Lanterns into the air without an effective means of control is
16 prohibited within the jurisdiction of the San Bernardino County Fire Department.

17 **EXCEPTION:** Sky Lanterns used for scientific or research
18 purposes when reasonable precautions are made to prevent loss of control or the
19 ignition of surrounding combustibles. Persons releasing Sky Lanterns used for scientific
20 or research purposes shall first submit a plan outlining the scientific or research purpose
21 and shall obtain a permit and specific conditions from the Fire Code Official.

22 (11) Sections 309, 310, and 311.1 are added to the San Bernardino
23 County Fire Protection District Fire Code and section 311.1 is amended, to read:

24 **311.1 General.** Temporarily unoccupied buildings, structures, premises,
25 or portions thereof, including tenant spaces, shall be safeguarded and maintained in
26 accordance with this Section, the California Building Code and the San Bernardino
27 County Code.

28 (12) Section 313 of the California Fire Code is added to the San

1 Bernardino County Fire Protection District Fire Code.

2 (13) Sections 315.4 and 315.6 are added to the San Bernardino County
3 Fire Protection District Fire Code and Section 315.6 is amended, to read:

4 **315.6 Incidental outside storage of pallets.** The incidental outside
5 storage of 200 or fewer pallets shall comply with the provisions of Section 315.4 of this
6 Code. Storage of more than 200 pallets at pallet manufacturing, storage or refurbishing
7 yards shall comply with the San Bernardino County Fire Department Fire Prevention
8 Standards.

9 (14) Section 315.7 is added to the San Bernardino County Fire
10 Protection District Fire Code and amended, to read:

11 **315.7 Outside storage of firewood.** The outside storage of firewood
12 shall comply with the provisions of Section 315 of the California Fire Code adopted
13 pursuant to Section 1(b) of the San Bernardino County Fire Protection District Fire Code
14 and San Bernardino County Fire Department Fire Prevention Standards.

15 (15) Section 315.8 is added to the San Bernardino County Fire
16 Protection District Fire Code and amended, to read:

17 **315.8 Storage of motor vehicles and trailers.** Outside storage of
18 automobiles, trucks, recreational vehicles, trailers and other similar vehicles on a
19 temporary or permanent basis shall meet the requirements of the San Bernardino
20 County Fire Department Fire Prevention Standards.

21 Exceptions:

22 (A) Parking of vehicles at wholesale or retail sales lots.

23 (B) Parking lots for public or private use where vehicles are
24 parked or stored on the premises without being moved for a period not exceeding 30
25 days.

26 (d) Chapter 4 of the California Fire Code is adopted into the San Bernardino
27 County Fire Protection District Fire Code.

28 (e) Chapter 5 of the California Fire Code is adopted into the San Bernardino

1 County Fire Protection District Fire Code and amended, as follows:

2 (1) Section 503.2 is added to the San Bernardino County Fire
3 Protection District Fire Code and amended, to read:

4 **503.2 Specifications.** Fire apparatus access roads shall be installed and
5 arranged in accordance with Sections 503.2.1 through 503.2.7. In addition, all fire
6 apparatus access roadways shall meet San Bernardino Fire Department Fire
7 Prevention Standards.

8 (2) Section 503.2.1 is added to the San Bernardino County Fire
9 Protection District Fire Code and amended, to read:

10 **503.2.1 Dimensions.** Fire apparatus access roads shall have an
11 unobstructed width of not less than 26 feet (7925 mm), except for approved security
12 gates in accordance with Section 503.6, and an unobstructed vertical clearance of not
13 less than 14 feet, 6 inches (4420 mm). Roadways that provide fire apparatus access to
14 buildings having occupied floors that are greater than two stories above such adjacent
15 roadways shall have an unobstructed width of 30 feet (9144 mm).

16 **EXCEPTIONS:**

17 (A) One-way access roads may have an unobstructed width of
18 not less than 20 feet (6096 mm).

19 (B) Driveways of one- and two-family dwellings shall be a
20 minimum of 12 feet (3658 mm) in width.

21 (C) Required access road dimensions may be modified when,
22 due to location on property, topography, waterways, nonnegotiable grades or other
23 similar conditions, the Fire Code Official determines that the conditions cannot be met.

24 (3) Section 503.2.2 is added to the San Bernardino County Fire
25 Protection District Fire Code.

26 (4) Section 503.2.3 is added to the San Bernardino County Fire
27 Protection District Fire Code and amended, to read:

28 **503.2.3 Surface.** Fire apparatus access roads shall be designed

1 and maintained to support the imposed loads of fire apparatus and shall be surfaced in
2 order to provide an all-weather driving surface capable of supporting an imposed load of
3 at least 75,000 pounds. Where road grades do not exceed eight percent (8%), and
4 where serving only one- or two-family dwellings or accessory Group U occupancies, the
5 Fire Code Official may approve roads constructed with approved native materials or
6 gravel compacted to eighty-five percent (85%) compaction.

7 (5) Sections 503.2.4 - 503.2.6 are added to the San Bernardino County
8 Fire Protection District Fire Code.

9 (6) Section 503.2.7 is added to the San Bernardino County Fire
10 Protection District Fire Code and amended, to read:

11 **503.2.7 Grade.** The grade of a fire apparatus access road or
12 driveway shall be a maximum of twelve percent (12%).

13 **Exceptions:**

14 (A) The grade of a fire apparatus access road or driveway may
15 be increased to fourteen percent (14%) for a distance not to exceed 500 feet with the
16 approval of the Fire Code Official based upon specific circumstances.

17 (B) The grade of a one- or two-family dwelling driveway may be
18 increased to a maximum of sixteen percent (16%) for a distance not to exceed 500 feet
19 in areas in which the Hillside Grading Standards pursuant to Chapter 83.08 of the San
20 Bernardino County Development Code apply and with the approval of the Fire Code
21 Official.

22 (C) Where more restrictive local city requirements apply.

23 (7) Section 503.2.8 is added to the San Bernardino County Fire
24 Protection District Fire Code.

25 (8) Section 503.3 is added to the San Bernardino County Fire
26 Protection District Fire Code.

27 (9) Section 503.4 is added to the San Bernardino County Fire
28 Protection District Fire Code and amended, to read:

1 **503.4 Obstruction of fire apparatus access roads.** Fire apparatus
2 access roads shall not be obstructed in any manner, including the parking of vehicles.
3 The minimum widths and clearances established in Section 503.2.1 shall be maintained
4 at all times. Any condition that serves as an impediment to fire access, or any vehicle or
5 other obstruction to fire access may be removed at the orders of the Department or
6 other governing agency in cooperation with the Department, with the expense of such
7 removal to be paid by the owner of the roadway, or of said vehicle or obstruction.

8 (10) Sections 503.4.1, 503.5 – 503.5.2, 503.6 are added to the San
9 Bernardino County Fire Protection District Fire Code.

10 (11) Section 504.4.1 is added to the San Bernardino County Fire
11 Protection District Fire Code and amended, to read:

12 **504.4.1 Foam Cornices.** Buildings with cornices or other trim at the
13 edge of a roof or parapet wall made of expanded foam plastic or other similar materials
14 shall be installed in accordance with San Bernardino County Fire Department Fire
15 Prevention Standards in order to allow a reliable surface on which a ladder can be used
16 to access the roof.

17 (12) Section 505.1 is added to the San Bernardino County Fire
18 Protection District Fire Code and amended, to read:

19 **505.1 Address numbers.** Newly constructed and existing buildings shall
20 have approved address numbers, building numbers or approved building identification
21 placed in a prominent position that is plainly legible and visible from the street or road
22 fronting the property. If there is more than one building on a lot and only one number is
23 assigned, the number shall be posted on the principal building or the building nearest
24 the street. These numbers shall contrast with the background to which they are
25 attached. Address numbers shall be Arabic numerals or alphabet letters. Such address
26 numbers shall be electrically illuminated by an internal or external source during the
27 hours of darkness.

28 (13) Sections 505.1.1 – 505.1.6 are added to the San Bernardino

County Fire Protection District Fire Code and amended, to read:

505.1.1 Single family residential dwelling units. All new residential dwelling units, other than multifamily dwelling units, shall, in addition to the requirements of Section 505.1 of the San Bernardino County Fire Protection District Fire Code, be posted with address numbers that are:

A. Internally electrically illuminated so as to be visible during the hours of darkness, or

B. Where building setbacks exceed 100 feet (30.5 m) from the street or would otherwise be obstructed, numbers shall be displayed on an independent structure, such as a post, at the property entrance. These additional numbers are not required to be illuminated, but shall be reflective and meet the requirements of this Section.

505.1.2 Multifamily, commercial, and industrial buildings less than 100,000 square feet. All new multifamily, commercial, industrial, and other non-residential use buildings less than 100,000 square feet (9290 m²) in area shall, in addition to the requirements of Section 505.1 of the San Bernardino County Fire Protection District Fire Code, be posted with address numbers that are:

A. Not less than eight inches (204 mm) in height, with a minimum stroke width of 1 inch (25.5 mm); and

B. Where building setbacks exceed 200 feet (61 m) from the street, or the numbers on the building would not be visible or would otherwise be obstructed, additional numbers shall be displayed on an independent structure, at the property entrance. These additional numbers shall not be less than six inches (153 mm) in height, with a minimum stroke width of 0.75 inches (19 mm) and shall otherwise meet the requirements of this Section.

505.1.3 Multifamily, commercial, and industrial buildings 100,000 square feet or larger. All new multifamily, commercial, industrial, and other non-residential use buildings 100,000 square feet (9290 m²) or larger in area shall, in

1 addition to the requirements of Section 505 and all other local requirements, be posted
2 with address numbers that are:

3 A. Not less than twelve inches (306 mm) in height, with a
4 minimum stroke width of 1.5 inch (38 mm); and

5 B. Where building setbacks exceed 200 feet (61 m) from the
6 street, or the numbers on the building would not be visible or would otherwise be
7 obstructed, additional numbers shall be displayed on an independent structure, at the
8 property entrance. These additional numbers shall not be less than six inches (153
9 mm) in height, with a minimum stroke width of 0.75 inches (19 mm) and shall otherwise
10 meet the requirements of this Section.

11 **505.1.4 Illuminated directory.** All new multiple dwelling unit
12 complexes of 20 or more units shall be provided with an illuminated directory at each
13 entry, clearly visible and within the setback area. The directory shall at a minimum
14 consist of a diagrammatic representation of the complex which shows the location of the
15 viewer and the unit designations within the complex.

16 **505.1.5 Individual units.** All individual residential units or tenant
17 lease spaces in a new multifamily, commercial, or industrial building shall be posted
18 with identification numbers, not less than 3 inches (76 mm) in height, that are
19 electrically illuminated and easily visible to approaching vehicular and/or pedestrian
20 traffic.

21 **505.1.6 Rear addressing.** Any business which affords vehicular
22 access to the rear through any driveway, alleyway, or parking lot shall also display the
23 same numbers on the rear of the building.

24 (14) Section 507.1 is added to the San Bernardino County Fire
25 Protection District Fire Code and amended, to read:

26 **507.1 Required water supply.** An approved water supply capable of
27 supplying the required fire flow for fire protection shall be provided to premises upon
28 which facilities, buildings or portions of buildings are hereafter constructed or moved

1 into or within the jurisdiction. In areas without a water purveyor capable of supplying the
2 required water supply, National Fire Protection Association standard 1142 (current
3 edition) shall be used to establish on-site water storage capacities, when allowed by the
4 Fire Code Official.

5 **EXCEPTION:**

6 (A) For single one- and two-family dwellings and attached
7 garages, and accessory Group U occupancies, not part of a parcel map, tentative tract
8 or other similar planned development, where an adequate water supply cannot be
9 provided by a water purveyor or well, the following alternatives may, when approved by
10 the Fire Code Official, be considered in lieu of an adequate water supply:

11 (I) The structure shall be located a minimum 50 foot
12 setback from all property lines, or

13 (II) Provide other approved alternate means and methods
14 as approved by the Fire Code Official.

15 (15) Section 507.2.3 is added to the San Bernardino County Fire
16 Protection District Fire Code and amended, to read:

17 **507.2.3 Temporary Water Supply.** When approved by the Fire
18 Code Official, a temporary water supply may be provided for buildings under
19 construction, prior to such buildings being occupied. Temporary water supplies shall be
20 in accordance with San Bernardino County Fire Department Fire Prevention Standards.

21 (16) Section 507.3 is added to the San Bernardino County Fire
22 Protection District Fire Code and amended, to read:

23 **507.3 Fire Flow.** Fire flow requirements for buildings or portions of
24 buildings and facilities shall be determined by an approved method below or Appendix
25 B.

26 (A) **EXCEPTION:** For single one- and two-family dwellings and
27 attached garages and accessory Group U occupancies, not part of a parcel map,
28 tentative tract or other similar planned development, where an adequate fire flow cannot

1 be provided by a water purveyor or well, or onsite water storage tanks, the following
2 alternatives may, when approved by the Fire Code Official, be considered as adequate
3 fire flow:

4 (I) The structure shall be located so as to provide a
5 minimum 50 foot setback from all property lines, or

6 (II) Provide other approved alternate means and methods
7 as approved by the Fire Code Official.

8 (17) Section 507.5.1 is added to the San Bernardino County Fire
9 Protection District Fire Code and amended, to read:

10 **507.5.1 Where required.** Where a portion of the facility or building
11 hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91.5
12 m) from a hydrant on a fire apparatus access road, as measured by an approved route
13 around the exterior of the facility or building, on-site fire hydrants and mains shall be
14 provided where required by the Fire Code Official.

15 **Exception:**

16 (A) For Group R-3 and attached Group U occupancies,
17 equipped throughout with an approved automatic sprinkler system installed in
18 accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement
19 shall not be more than 600 feet (183 m).

20 (B) Single one- and two-family dwellings and attached garages,
21 not part of a parcel map, tentative tract or other similar planned development, equipped
22 with an approved automatic residential fire sprinkler system or an approved self-
23 contained residential automatic sprinkler system, shall not be required to provide an on-
24 site hydrant when allowed by the Fire Code Official.

25 (18) Section 507.5.1.2 is added to the San Bernardino County Fire
26 Protection District Fire Code and amended, to read:

27 **507.5.1.2 Redundant water supplies.** New on-site fire hydrant
28 water systems that serve buildings greater than 100,000 square feet (9,290 m²) in floor

1 area shall have two separate remote connections to the public water system designed
2 and constructed in accordance with NFPA and San Bernardino County Fire Department
3 Fire Prevention Standards and approved by the Fire Code Official.

4 (19) Section 509.3 is added to the San Bernardino County Fire
5 Protection District Fire Code and amended, to read:

6 **509.3 Access to equipment in multi-unit buildings.** When automatic
7 fire sprinkler systems or fire alarm systems are installed in buildings constructed for
8 multiple tenants and these systems protect multiple tenant spaces, the main controls
9 and control appurtenances, such as risers, fire alarm control panels, and valves for such
10 systems, shall be located in an attached or included room or an approved weather
11 resistant enclosure with at least one exterior access door of not less than 3'-0" (918
12 mm) in width by 6'-8" (2040 mm) in height.

13 (20) Section 509.4 is added to the San Bernardino County Fire
14 Protection District Fire Code and amended, to read:

15 **509.4 Fire Control Room.** A fire control room for fire department
16 operations shall be provided in all newly constructed Group S-1 and S-2 distribution
17 warehouses greater than 300,000 square feet (27,870 m²) in floor area. The location
18 and accessibility of the fire control room shall be approved by the Fire Code Official.
19 The fire control room shall be separated from the remainder of the building by walls and
20 ceilings not less than one-hour fire partitions and shall have at least one exterior access
21 door of not less than 3'-0" (918 mm) in width by 6'-8" (2040 mm) in height. The room
22 shall be a minimum of 96 square feet (9m²) with a minimum dimension of 8 feet (2438
23 mm.) The room shall contain the following as a minimum:

24 (A) The fire alarm control unit and associated equipment,
25 including an annunciator panel displaying status of sprinkler control valves and
26 waterflow detectors.

27 (B) Main controls and indicators for mechanical smoke exhaust
28 systems.

1 (C) A printed graphic exhibit(s) showing the building floor plan,
2 automatic sprinkler systems, fire alarm systems, smoke exhaust systems, fire
3 department access doors, and any other equipment as required by the Fire Code
4 Official.

5 (D) Other firefighting equipment and system controls as required
6 by the Fire Code Official.

7 (f) Chapter 6 of the California Fire Code is adopted into the San Bernardino
8 County Fire Protection District Code and is amended, as follows:

9 (1) Section 603.1.4 of the San Bernardino County Fire Protection
10 District Fire Code is amended, to read:

11 **603.1.4 Fuel Oil.** The grade of fuel oil used in a burner shall be that
12 for which the burner is approved as stipulated by the burner manufacturer. Oil
13 containing gasoline or other materials, and used or crankcase oil shall not be used.

14 (2) Section 608.1 of the San Bernardino County Fire Protection District
15 Fire Code is amended, to read:

16 **608.1 Scope.** Stationary storage battery systems having an electrolyte
17 capacity of more than 50 gallons (189 L) for flooded lead-acid, nickel cadmium (Ni-Cd),
18 and valve-regulated lead-acid (VRLA), or 1,000 pounds (454 kg) for lithium-ion and
19 lithium metal polymer, used for facility standby power, emergency power, uninterrupted
20 power supplies, and powering industrial trucks and equipment shall comply with this
21 Section and Table 608.1.

22 (g) The following sections of Chapter 9 are added or amended as follows:

23 (1) Section 901.4.2 is added to the San Bernardino County Fire
24 Protection District Fire Code and amended, to read:

25 **901.4.2 Non-required fire protection systems.** Any fire protection
26 not required by this code or the California Building Code shall be allowed to be
27 furnished provided such installed system meets the requirements of this code, the
28 California Building Code, and the San Bernardino County Fire Department Fire

1 Prevention Standards.

2 (2) Section 901.4.2.1 is added to the San Bernardino County Fire
3 Protection District Fire Code and amended, to read:

4 **901.4.2.1 Partially Protected Structures.** Notwithstanding any other
5 provisions of this code or specific exemptions, no building or structure shall be partially
6 furnished with a new fire protection system.

7 **Exceptions:**

8 (A) Existing structures or buildings currently not protected when
9 the only fire protection system being installed is part of Type I commercial cooking hood
10 and duct system, other than an automatic sprinkler system, or any other system
11 required by Table 903.2.11.6.

12 (3) Section 901.8.2 is added to the San Bernardino County Fire
13 Protection District Fire Code and amended, to read:

14 **901.8.2 Theft deterrents.** The Fire Code Official is authorized to
15 require installation methods, mechanisms, or other technology that will serve to deter
16 theft or tampering with fire protection appliances.

17 (4) Section 903.2 is added to the San Bernardino County Fire
18 Protection District Fire Code and amended, to read:

19 **903.2 Where required.** Approved automatic fire sprinkler systems in new
20 building and structures shall be provided in the locations described in this section and
21 Sections 903.2.1 through 903.2.19.

22 (A) Notwithstanding any other provision of Sections 903.2.1
23 through 903.2.19, excluding any specific exception, or any more restrictive provisions of
24 any local ordinance of any political subdivision that contracts with the San Bernardino
25 County Fire Protection District, an approved automatic fire sprinkler system shall be
26 provided throughout all newly constructed buildings of any occupancy group, when the
27 gross floor area is equal to or exceeds 5,000 square feet (465m²), regardless of fire
28 resistive separation walls.

1 **Exception:** Group U occupancies accessory to a one- or
2 two-family dwelling that are not used for commercial or industrial purposes.

3 (B) In existing structures, other than Group R, Division 3 (one
4 and two family dwellings and accessory Group U occupancies), not equipped with an
5 automatic fire sprinkler system, the following requirements shall apply:

6 (I) For existing structures when an addition causes the
7 structure to exceed 5,000 square feet (465m²) in gross floor area and and/or such
8 addition is equal to or greater than 50% of the square footage existing as of January 1,
9 2011, the entire structure shall be provided with an automatic sprinkler system.

10 (II) For existing buildings larger than 5,000 square feet
11 (465m²) in gross floor area, when a change of use occurs that, in the opinion of the Fire
12 Code Official using the guidance of the California Building Code, increases the
13 likelihood of, or increases the danger to occupants in a fire incident, the entire fire area
14 shall be provided with an automatic sprinkler system.

15 (5) Section 910.4 is added to the San Bernardino County Fire
16 Protection District Fire Code and amended, to read:

17 **910.4 Mechanical smoke exhaust.** Engineered mechanical smoke
18 exhaust systems conforming to the requirements of Section 910.4 of this Code shall be
19 provided in all newly constructed Group S-1 and S-2 distribution warehouses greater
20 than 300,000 square feet (27,870 m²) in floor area, and shall be an acceptable
21 alternative to smoke and heat vents in all other occupancies.

22 (h) Chapter 28 is amended, as follows:

23 (i) Section 2810 is added to the San Bernardino County Fire Protection
24 District Fire Code, to read:

25 **Section 2810**

26 **Storage of Combustible Idle Pallets**

27 **2810.1 General.** Incidental storage of more than 200 combustible idle pallets and any
28 storage of pallets at pallet manufacturing, storage and refurbishing yards shall be in

1 accordance with the San Bernardino County Fire Department Fire Prevention
2 Standards. An operational permit shall be obtained in accordance with Section
3 105.6.33.1.

4 (j) Appendix B is amended as follows:

5 **B105.2 Buildings other than one and two family dwellings.** The
6 minimum fire flow and flow duration for buildings other than one- and two- family
7 dwellings shall be as specified in table B105.1.

8 **Exception.** A reduction in required fire-flow of up to 50 percent, as
9 approved, is allowed when the building is provided with an approved automatic sprinkler
10 system installed in accordance with Section 903.3.1.1 or 903.3.1.2. A reduction in
11 required fire flow of up to 75 percent is allowed for isolated buildings of Group U
12 occupancy, agricultural uses, or other low hazard uses when approved by the Fire Code
13 Official. The resulting fire flow shall not be less than 1,500 gallons per minute (5678
14 L/min) for the prescribed duration as specified in Table B105.1

15 (k) Appendix C is amended as follows:

16 **C103.1 Fire hydrants available.** The number of fire hydrants available to
17 a complex or subdivision shall not be less than that determined by spacing
18 requirements specified in Section C105.1 when applied to fire apparatus access roads
19 and perimeter public streets from which fire operations could be conducted.

20 (l) Section C105.1 is amended, to read:

21 **C105.1 Hydrant Spacing.** The average spacing between fire hydrants
22 shall not exceed that specified by the San Bernardino County Fire Department Fire
23 Prevention Standards, specifically, 300 feet (91m) apart in industrial, commercial and
24 multifamily development, and 600 feet (183m) apart in all single family development.
25 Spacing of fire hydrants along public streets shall also be guided by other County or
26 City public works standards.

27 **Exception:** The Fire Code Official is authorized to accept a deficiency of
28 up to 10 percent where existing fire hydrants provide all or a portion of the required fire

1 hydrant service.

2 (m) Table C105.1 is deleted.

3 **3. Amendments to the California Residential Code.** The California Residential
4 Code as adopted by the San Bernardino County Fire Protection District is amended as
5 follows:

6 (a) Section R313.2 is amended, to read:

7 **R313.2 One- and two-family dwellings automatic fire systems.** An
8 automatic residential fire sprinkler system shall be installed in one-and two-family
9 dwellings, including new or used manufactured homes and in multi-unit manufactured
10 housing with two dwelling units manufactured after January 1, 2011 where a fire
11 sprinkler system would be normally be required in any residential unit that could be built
12 on the same site.

13 **EXCEPTIONS:**

14 (1) An automatic residential fire sprinkler system shall not be required
15 for additions or alterations to existing buildings that are not already provided with an
16 automatic residential sprinkler system.

17 (2) Used manufactured homes moved into the jurisdiction that do not
18 already have an automatic fire sprinkler system shall not be required to have a new
19 automatic fire sprinkler system installed.

20 (b) Section R313.2.1 is amended, to read:

21 **R313.2.1 Design and Installation.** Automatic residential fire sprinkler
22 systems shall be designed and installed in accordance with Sections R313.3 or NFPA
23 13D. Automatic residential fire sprinkler systems installed in new or used manufactured
24 homes and in multi-unit manufactured housing with two dwelling units shall be designed
25 and installed in accordance with California Code of Regulations, Title 25.

26 (c) Section R313.3.1.1 is amended, to read:

27 **R313.3.1.1 Required Sprinkler Locations.** Sprinklers shall be installed to
28 protect all areas of a dwelling unit.

1 **EXCEPTIONS:**

2 (1) Attics, crawl spaces, built-up areas and normally unoccupied
3 concealed spaces, less than 5 feet in height, that do not contain fuel-fired appliances do
4 not require sprinklers. In those areas containing fuel-fired appliances, a sprinkler shall
5 be installed above the appliance.

6 (2) Clothes closets, linen closets, and pantries not exceeding 24
7 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet (915
8 mm) and having wall and ceiling surfaces of gypsum board.

9 (3) Detached garages; carports with no habitable space above; open
10 attached porches, balconies or stairs, and similar areas.

11 (4) Sprinklers in new or used manufactured homes and in multi-unit
12 manufactured housing with two dwelling units shall be installed in accordance with
13 California Code of Regulations, Title 25.

14 (d) Section R313.3.5.2 is amended, to read:

15 **R313.3.5.2 Required capacity.** The water supply shall have the capacity to
16 provide the required design flow rate for sprinklers for a period of time as follows:

17 (1) 7 minutes for dwelling units one story in height and less than 2,000
18 square feet (186 m²) in area. For the purposes of determining the area of the dwelling
19 unit, the area of attached garages and attached open carports, porches, balconies and
20 patios shall not be included.

21 (2) 10 minutes for dwelling units two or more stories in height or equal
22 to or greater than 2,000 square feet (186 m²) in area. For the purposes of determining
23 the area of the dwelling unit, the area of attached garages and attached open carports,
24 porches, balconies and patios shall not be included.

25 Where a well system, a water supply tank system, a pump, or a
26 combination thereof, is used, the water supply shall serve both domestic and fire
27 sprinkler systems. Any combination of well capacity and tank storage shall be permitted
28 to meet the capacity requirement.

1 **EXCEPTION:** Where a residential fire sprinkler system is supplied
2 by a stored water source with an automatically operated means of pressurizing the
3 system other than an electric pump, the water supply may serve the sprinkler system
4 only.

5 **4. Referenced Codes and Standards.**

6 The codes and standards referenced in this San Bernardino County Fire
7 Protection District Code shall be those that are listed in Chapter 80 of the California Fire
8 Code as adopted by this ordinance, and the San Bernardino County Fire Department
9 Fire Prevention Standards. Such codes, standards and interpretations shall be
10 considered part of the requirements of this San Bernardino County Fire Protection
11 District Code to the prescribed extent of each such reference. Where differences occur
12 between this Code and the referenced standards, the Fire Code Official shall determine
13 which requirements meet the intent of this Code.

14 **5. Conflicting Provisions.**

15 Where there is a conflict between a general requirement and a specific
16 requirement, the Fire Code Official shall determine which requirement meets the intent
17 of this Code. Provisions of the California Code of Regulations that are included in this
18 Code specifically or by reference shall prevail except where this Code contains a more
19 restrictive requirement.

20 **6. Validity and Severability.**

21 This San Bernardino County Fire Protection District Code shall not be in conflict
22 with state or federal law. If any section, subsection, sentence, clause or phrase of this
23 Code or the application thereof is held invalid, such invalidity shall not affect other
24 provisions or applications which can be given effect without the invalid provision or
25 application, and to this end the provisions of this Code are severable.

26 **7. No Liability or Warranty.**

27 The County of San Bernardino, the San Bernardino County Fire Protection
28 District, any political subdivision or district that contracts with the San Bernardino

1 County Fire Protection District, and their employees or agents shall not be held liable for
2 any act or omission or act done in good faith reliance upon state law, or the ordinance,
3 codes, standards, interpretations, policies or procedures of the San Bernardino County
4 Fire Protection District. The County of San Bernardino, the San Bernardino County Fire
5 Protection District, any political subdivision or district that contracts with the San
6 Bernardino County Fire Protection District, and their employees or agents shall not be
7 held liable for the negligence of, nor as the guarantor of proper performance by, any
8 person or entity holding any license, permit, certificate, registration, privilege or other
9 entitlement from the District.

10 **8. Authority - General**

11 The Fire Code Official shall implement, administer, and enforce the provisions of
12 this San Bernardino County Fire Protection District Code and shall have the authority to
13 render interpretations of the Code, and the standards of the National Fire Protection
14 Association. The Fire Code Official shall also have the authority to adopt policies,
15 procedures, rules and regulations in order to clarify the application of this Code. Such
16 interpretations, policies, procedures, rules and regulations shall be in compliance with
17 the intent of this Code. Violations of any interpretation, policy, procedure, rule or
18 regulation shall be considered a violation of the provisions of this Code.

19 **9. Authority at Fires or Other Emergencies.**

20 (a) The Fire Chief/Fire Warden, Fire Code Official or any officer of the San
21 Bernardino County Fire Protection District in charge at the scene of a fire or other
22 emergency involving the protection of life or property shall have the authority to direct
23 operations as necessary to extinguish or control any fire, perform any rescue operation,
24 investigate the existence of suspected or reported fires, gas leaks, or other hazardous
25 conditions or situations, or take any other action necessary in the reasonable
26 performance of duty. In the exercise of such authority, the Fire Chief/Fire Warden, Fire
27 Code Official or officer is authorized to prohibit any person, vehicle, vessel or thing from
28 approaching the scene and is authorized to remove or cause to be removed, or keep

1 away from the scene any person, vehicle, vessel or thing which could impede or
2 interfere with the operations of the fire department.

3 (b) The Fire Chief/Fire Warden, Fire Code Official or officer of the San
4 Bernardino County Fire Protection District in charge at the scene of a fire or other
5 emergency is authorized to place ropes, tape, flagging, barricades, guards or other
6 obstructions across any street, alley, place, driveway or private property in the vicinity of
7 such operation so as to prevent accidents or interference with the lawful operations of
8 the fire department to manage and control the situation and to allow the safe operation
9 of fire, rescue and investigation apparatus.

10 (c) The Fire Chief/Fire Warden, Fire Code Official or officer of the San
11 Bernardino County Fire Protection District in charge at the scene of a fire or other
12 emergency is authorized to disconnect or authorize disconnection of utility service to
13 any building, structure, vehicle or system in order to safely execute emergency
14 operations or to eliminate an immediate hazard.

15 **10. Authority to Inspect, Issue Notices and Administrative Citations or Abate a**
16 **Public Nuisance.**

17 (a) Whenever it is necessary to make an inspection to enforce the provisions
18 of this Code, or whenever the Fire Code Official has reasonable cause to believe that
19 there exists in a building or premises any conditions or activity requiring a permit
20 authorized by this Code, or reasonably believes that there are any violations of this
21 Code which make a building, premises, condition or activity unsafe, dangerous or
22 hazardous, the Fire Code Official and those personnel designated by the Fire Code
23 Official are authorized to enter, at all reasonable times, upon any property, premises,
24 enclosure, structure, vehicle or vessel within the unincorporated areas of the County of
25 San Bernardino or within any political subdivision or district that contracts with the San
26 Bernardino County Fire Protection District to determine whether the building, property,
27 premises, enclosure, structure, vehicle, vessel, condition or activity is in compliance with
28 this Code, or whether a violation of this Code has occurred or is occurring, and to make

1 any inspection as may be necessary in the performance of their enforcement duties, to
2 issue a Notice of Correction, Notice of Violation or to issue a Stop Work Order or
3 citation.

4 (b) The Fire Code Official and those persons designated by the Fire Code
5 Official are authorized to take of photographs, samples, or other physical evidence, and
6 make video and/or audio recordings. All such entries and inspections shall be done in a
7 reasonable manner. If an owner, lawful occupant, or the respective agent, employee, or
8 representative thereof, refuses permission to enter and/or to inspect, the District may
9 seek an administrative inspection warrant pursuant to the procedures provided by
10 California Code of Civil Procedure Sections 1822.50 through 1822.59, as may be
11 amended from time to time, or the successor provisions thereto.

12 (c) The Fire Code Official and those persons designated by the Fire Code
13 Official are authorized to investigate, detain, and issue criminal or administrative
14 citations for any violation of this Code or of the provisions of any code or standard
15 adopted and incorporated by reference by this Code.

16 (d) Any violation of this Code, the California Fire Code, the San Bernardino
17 County Fire Department Fire Prevention Standards or of the provisions of any code
18 adopted and incorporated by reference by this Code may be deemed a fire hazard by
19 the Fire Code Official and acted upon pursuant to the public nuisance abatement
20 provisions of Chapter 5 of Division 3 of Title 2 of the San Bernardino County Code
21 beginning with Section 23.0503.

22 **11. Closure of public and private lands.** When it is determined by the Fire Code
23 Official that conditions exist on public lands within a Wildfire Risk Area that present an
24 immediate, exceptional, or continuing danger, the Fire Chief/Fire Warden is authorized
25 to close the affected areas and prohibit the entry of the general public. Prior to closure
26 of private property, notification of the closure shall be made to any concerned property
27 owners and consent obtained. Upon closing and prohibiting entry to public lands, signs
28 shall be posted at the entry points of the affected areas indicating that the area is closed

1 due to the existence of dangerous conditions and that entry is prohibited. Prior to
2 closing and prohibiting entry to any State or Federally controlled lands, notification shall
3 be made and consent obtained from the Director of Forestry and Fire Protection or U.S.
4 Forest Service, as appropriate. Any public highway traversing such a closed area,
5 shall, however, be excluded from the order of closure, and the closure to entry does not
6 prohibit or curtail the entry or use of the lands by the owner of the lands or his agent,
7 nor the entry by any federal, state or county officer upon the closed area in the
8 performance of his official duties. All state and county law enforcement officers shall
9 enforce the order of closure.

10 **12. Interference Unlawful.**

11 (a) It shall be unlawful for any person or entity to deny access to, interfere
12 with, prevent, restrict, obstruct, or hinder employees or agents of the San Bernardino
13 County Fire Protection District acting within the scope of their duty.

14 (b) It shall be unlawful for any person to render a system or device inoperative
15 during an emergency unless by direction of the Fire Chief/Fire Warden, Fire Code
16 Official or officer of the San Bernardino County Fire Protection District in charge at the
17 scene of a fire or other emergency.

18 **13. Official Records.**

19 The Fire Code Official shall keep official records as required by Sections 104.6.1
20 through 104.6.4. Such official records shall be retained for not less than five years or
21 for as long as the structure or activity to which such records relate remains in existence,
22 or in accordance with San Bernardino County Fire Protection District Operations
23 Directive 1300 and the Special Districts Records Retention Schedule, whichever is
24 greater.

25 **14. Permits Required.**

26 A permit is required to conduct any activity, business, construction, work or use
27 of equipment or to install or modify systems or equipment requiring a permit pursuant to
28 Section 105 of the California Fire Code. Permits shall be obtained from the Fire Code

1 Official. Permit fees shall be paid prior to the issuance of the permit.

2 **15. Fees.**

3 (a) Reasonable fees, not to exceed the actual costs, for any permit, license,
4 inspection, plan or technical review, related work or services required pursuant to this
5 Code, the California Fire Code or the San Bernardino County Fire Department Fire
6 Prevention Standards shall be paid pursuant to a fee schedule established by action of
7 the Board of Directors, as may be amended from time to time.

8 (b) Any person who conducts any activity, business, construction, work or use
9 of equipment or to install or modify systems or equipment requiring a permit pursuant to
10 Section 105 prior to obtaining said permits shall be subject to an additional fee, which
11 shall be in addition to the required permit.

12 **16. Applications and Permits – Abandonment, Period of Validity, Expiration**
13 **and Extensions.**

14 (a) An application for a permit for any proposed work or operation and its
15 associated fee shall be deemed to have been abandoned if the applicant fails to submit
16 any required documentation within 180 days after the date of filing or the date an
17 application or plans have been returned by the Department for correction, or the date
18 the Department has requested additional information or documentation. The Fire Code
19 Official is authorized to grant one or more extensions of time to submit such
20 documentation or corrections for a period not to exceed 90 days. All requests for
21 extension shall be made, in writing, by the applicant prior to abandonment and shall
22 provide justifiable cause to extend the application review period.

23 (b) Permits issued under the provisions of this Code shall remain in effect as
24 follows:

25 (1) Operational permits shall remain in effect for a period of time as
26 specified in the permit, not to exceed one year from issuance or until revoked.

27 (2) Construction permits shall automatically expire and become invalid
28 unless the work authorized by such permit is commenced within 180 days after its

1 issuance, or if the work authorized by such permit is suspended or abandoned for a
2 period of 180 days after the time the work is commenced. Suspension or abandonment
3 shall mean that no inspection by the Department has occurred within 180 days of any
4 previous inspection.

5 (3) After a construction permit becomes invalid or expired and before
6 such previously approved work recommences, a new permit shall be first obtained and
7 the fee to recommence work shall be payable according to the approved fee schedule,
8 provided no changes have been made or will be made in the original construction
9 documents for such work, and provided further that such suspension or abandonment
10 has not exceeded one year. Permits which have been expired for one year or more
11 shall be deemed invalid and will require a new application, payment of fees and
12 submittal of plans and review.

13 (4) Notwithstanding any other provision of law, construction permits
14 that have expired and are renewed are subject to any new applicable codes as would
15 be required for a new project.

16 (c) A permittee holding an unexpired permit shall have the right to apply for
17 an extension of the time within which the permittee will commence work under that
18 permit when work is unable to be commenced within the time required by this Section
19 for good and satisfactory reasons. The Fire Code Official is authorized to grant, in
20 writing, one or more extensions of the time period of a permit for periods of not more
21 than 180 days each. Such extensions shall be requested by the permittee in writing and
22 justifiable cause shall be demonstrated. The Fire Code Official shall have the right to
23 refuse a permit extension if it is determined that the permittee has no justifiable cause.
24 If a permit extension is refused, the provisions of this Section shall apply upon
25 expiration.

26 (d) Any application submitted or permit issued pursuant to a planning
27 application process (including but not limited to Conditional Use Permits, Minor Use
28 Permits, Site Plans, Tentative Tracts, Planned Developments, etc.) through the

1 Planning Division of the San Bernardino County Land Use Services Department and its
2 successors, or a similar process through the planning department (or similar) of any
3 political subdivision or district which contracts with the San Bernardino County Fire
4 Protection District may, at the discretion of the Fire Code Official, be subject to the
5 respective abandonment, period of validity, expiration and extension policies, rules and
6 regulations of those entities in lieu of this Section.

7 **17. Permits not Transferable.**

8 (a) For operational permits, any change in occupancy, operation, tenancy, or
9 ownership shall require that a new permit be issued.

10 (b) Pursuant to Business and Professions Code 7031.5, only a contractor,
11 licensed by the State of California to perform the type of work proposed in the permit
12 application, may apply for and be issued, a construction permit required pursuant to
13 Section 105.7 et seq. of the San Bernardino County Fire Protection District Fire Code.
14 Any change of contractor named to conduct the permitted work shall require that a new
15 permit be issued.

16 **EXCEPTIONS:**

17 (1) Owner-Builders intending to occupy the single-family dwelling in
18 which they obtain a permit to install a fire protection system if they have not constructed
19 more than two such dwellings in the past year pursuant to Business and Professions
20 Code Section 7062.12.

21 (2) Public agencies and those public utilities exempted pursuant to
22 Business and Professions Code Section 7040 et seq.

23
24 **18. Permit Revocation.**

25 The Fire Code Official is authorized to revoke a permit issued pursuant to
26 Section 105 of the San Bernardino County Fire Protection District Fire Code when it is
27 found by inspection or otherwise that conditions including, but not limited to, any one of
28 the following occurred:

1 (a) The permit is used for a location or establishment other than that for which
2 it was issued;

3 (b) The permit is used for a condition or activity other than that listed on the
4 permit;

5 (c) Conditions and limitations set forth in the permit have been violated;

6 (d) There have been false statements or misrepresentations as to the material
7 facts in the application for permit or submitted plans or a condition of the permit;

8 (e) The permit is used by a different person or firm than the name for which it
9 was issued;

10 (f) The permittee failed, refused or neglected to comply with orders or notices
11 duly served in accordance with the provisions of this Code within the time provided
12 therein;

13 (g) If a permit is revoked for any of the above reasons, the permit fee shall be
14 abandoned.

15 (h) If the permit was issued in error or in violation of any state or federal law,
16 local ordinance, regulation, this Code or the San Bernardino County Fire Department
17 Fire Prevention Standards, the permit may be revoked. However, if any permit is
18 revoked for this reason the permit fee shall be returned to the applicant.

19 **19. Operation or Construction Without a Permit or With an Expired or Revoked**
20 **Permit.**

21 It shall be unlawful for any person to operate or allow the operation of any
22 activity, business, construction, work or use of equipment or to install or modify systems
23 or equipment requiring a permit pursuant to Section 105 of the San Bernardino County
24 Fire Protection District Fire Code when said permits have not been obtained or said
25 permits have expired or have been revoked.

26 **20. Issuance of Stop Work Orders.**

27 (a) The Fire Code Official is authorized to issue an order requiring any
28 activity, business, construction, work or use of equipment to immediately cease

1 whenever it is found that such activity, business, construction, work or use of equipment
2 is being performed in a manner in violation of this Code or in a dangerous or unsafe
3 manner. Stop work orders may also be issued for any overcrowding beyond the
4 approved capacity of a building,

5 (b) A stop work order shall be issued in writing and shall be given to the
6 permittee or his agent, or to the person conducting the activity, business, construction,
7 work or use of equipment if no permit has been issued. The stop work order shall state
8 the reason for the order and the conditions under which the stopped activity, business,
9 construction, work or use of equipment may resume.

10 (c) A device, tag or seal preventing the use of equipment in violation of this
11 Code or posing a hazard may be affixed to the equipment at the time a stop work order
12 is issued.

13 (d) The Fire Code Official may immediately abate or cause to be abated any
14 overcrowding situation, or remove or cause to be removed any obstructions in aisles,
15 passageways or other means of egress, including the cutting or removing of locks,
16 chains or other means of sealing or blocking exits.

17 (e) Where an emergency or potential emergency exists, the Fire Code Official
18 shall not be required to give written notice prior to stopping the work, abating an
19 overcrowding situation or removing an obstruction that would prevent immediate egress
20 in the event of an emergency.

21 (f) Upon issuance of a stop work order, the non-compliant, dangerous or
22 unsafe activity, business, construction, work or use of equipment, overcrowding
23 situation, or egress obstruction shall immediately cease or be abated.

24 **21. Failure to Comply with a Stop Work Order.**

25 It shall be unlawful for any person to continue any activity, business,
26 construction, work or use of equipment after being issued a stop work order, except
27 such work as that person is directed to perform by the Fire Code Official to remove a
28 violation or unsafe condition.

1 **22. Service of Notices and Orders.**

2 Notices and Orders issued pursuant to this Code shall be served in the following
3 manner:

4 (a) If a permittee or his agent, or the person conducting the activity, business,
5 construction, work or use of equipment or other responsible party is present at the
6 scene of the violation, the notice or order shall be issued by personal service.

7 (b) If the responsible party is a business, and the business owner is on the
8 premises, the notice or order shall be personally served to the business owner. If the
9 business owner is not on the premises and the only responsible party that can be
10 located is the manager or on-site supervisor, the notice or order may be issued in the
11 name of the business and a copy given to the manager or on-site supervisor. A copy of
12 the notice or order shall also be mailed to the business owner by certified mail, return
13 receipt requested, and by first class mail. If a copy of the notice or order that is sent by
14 certified mail is returned by the United States Postal Service unsigned or marked
15 "unclaimed" and/or "refused," then service by first class mail shall be deemed effective
16 provided it is also not returned by the United States Postal Service.

17 (c) If a responsible party cannot be located at the premises or the activity,
18 business, construction, work or use of equipment is located at an unattended or
19 abandoned site, then a copy of the notice or order shall be posted in a conspicuous
20 place on or near the site or equipment, if practicable, and a copy mailed by certified
21 mail, return receipt requested, and by first class mail, to each responsible party at their
22 last known addresses as they appear on the last County equalized assessment role, or
23 any other available public records related to title or ownership of the property or
24 equipment that is the subject of the notice or order. If the copy of the notice or order
25 sent by certified mail to a responsible party is returned by the United States Postal
26 Service with the mail receipt unsigned, or marked "unclaimed" and/or "refused," then
27 service by first class mail shall be deemed effective provided it is also not returned by
28 the United States Postal Service.

1 (d) The failure of any responsible party to receive a copy of the notice or order
2 shall not affect the validity of the notice or order.

3 **23. Tampering with Notices, Orders or Seals Unlawful.**

4 It shall be unlawful to mutilate, destroy or tamper with or remove without
5 authorization any notice, order, tag, sign, or seal posted or affixed by the Fire Code
6 Official.

7 **24. Overcrowding Unlawful.**

8 It shall be unlawful for any person to allow overcrowding or admittance of any
9 person beyond the approved capacity of a building or portion thereof.

10 **25. Obstructed Egress Unlawful.**

11 It shall be unlawful for any person to obstruct any aisle, passageway or other
12 means of egress, or to lock, chain, bar or otherwise block any required means of
13 egress.

14 **26. Open Fires.**

15 (a) **General.** It shall be unlawful for any person to kindle, or maintain an open
16 fire, or for a person to allow an open fire to be kindled or maintained on their property
17 except in accordance with the provisions of this Code and the San Bernardino County
18 Fire Department Fire Prevention Standards.

19 (b) **Permit Required.** When required pursuant to this Code, a permit shall be
20 obtained from the San Bernardino County Fire Protection District prior to kindling any
21 open fire.

22 **EXCEPTION:** Barbecues used at one- and two-family dwellings unless
23 otherwise regulated.

24 (c) **Prohibited Open Fires.** It shall be unlawful to kindle, or maintain, or to
25 allow to be kindled or maintained on their property any of the following open fires
26 anywhere within the jurisdiction of the San Bernardino County Fire Protection District:

27 (1) Any open fire that is offensive or objectionable because of smoke
28 emission, ember production, or when local atmospheric conditions or circumstances

1 make such fires hazardous.

2 (2) Any open fire in which any waste or manufactured material,
3 including but not limited to petroleum products and petroleum wastes; construction and
4 demolition debris; coated wire; putrescible wastes; tires; tar; tarpaper; non-natural wood
5 waste; processed or treated wood and wood products; metals; rubber; synthetics;
6 plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash;
7 refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured
8 products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or
9 paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead
10 animal; manure; human or animal parts or wastes, including blood; and fecal- and food-
11 contaminated material, hazardous materials or wastes, paints, asbestos, trees, or other
12 similar combustible or flammable solid, liquid or gaseous waste are burned.

13 (3) Any open fire in which wire is burned to remove insulation.

14 (4) Any open fire in which metals or motor vehicle bodies are burned to
15 recover salvageable components.

16 (5) Any open fire using a "burn barrel" as prohibited pursuant to 17
17 CCR Section 93113(c)(2).

18 (6) Residential burning and Open Fires within the South Coast Air
19 Quality Management District (SCAQMD) boundaries.

20 **EXCEPTIONS:**

21 (A) Open Burning Projects permitted by the Fire Code Official
22 where a fire hazard is declared by the Fire Code Official and such fire hazard cannot be
23 abated by any other means.

24 (B) Open Burning Projects within the SCAQMD boundaries
25 conducted solely for the disposal of Russian Thistle or agricultural burning and under
26 permit by the SCAQMD.

27 (C) Open Fires conducted for fire prevention or suppression
28 training, prescribed burns conducted by fire protection agencies, fireworks displays and

1 pyrotechnic special effects under permit, and bomb, explosives, fireworks or contraband
2 disposal or training by a law enforcement or fire protection agency.

3 (D) Recreational Fires conducted in accordance with this
4 Section.

5 (E) Barbecues and Barbecue Pits

6 (7) Any other open fire conducted in violation of this Code or the San
7 Bernardino County Fire Department Fire Prevention Standards.

8 (d) **Special Burn Prohibitions.**

9 It shall be unlawful to kindle, or maintain any open fire, or allow any open fire to
10 be kindled or maintained on their property under the following conditions:

11 (1) An Open Burning Project or Residential Burning on any day other
12 than a Permissive Burn Day as declared by the Air Quality Management District in
13 which the burning will occur.

14 (2) An Open Burning Project, Residential Burning, Bonfire, or
15 Barbecue Pit on a property within any Wildfire Risk Area as defined in Section 202.

16 **EXCEPTION:**

17 (A) A Bonfire or Barbecue Pit may be kindled within a Wildfire
18 Risk Area if within an Organized Camp or other location with the specific written
19 approval of the Fire Code Official and all requirements of this Section are adhered to.

20 (B) Open Burning Projects permitted by the Fire Code Official
21 where a fire hazard is declared by the Fire Code Official and such fire hazard cannot be
22 abated by any other means.

23 (3) When local sustained winds exceed 10 miles per hour.

24 **EXCEPTION:**

25 Covered barbecues, or Recreational Fires confined to a permanent
26 fire ring and fueled solely by liquefied petroleum gas or natural gas, or Portable Outdoor
27 Fireplaces fueled solely by liquefied petroleum gas or natural gas.

28 (4) Within the boundaries of a State Responsibility Area, including

1 private property, in violation of any requirements or burn restriction imposed by the
2 California Department of Forestry & Fire Protection (CalFire) or the California Office of
3 the State Fire Marshal.

4 (5) Within the boundaries of the San Bernardino National Forest,
5 including private property, in violation of any requirements or burn restriction imposed
6 by the Forest.

7 (6) Within the boundaries of the Bureau of Land Management (BLM)
8 land, including private property, in violation of any requirements or burn restriction
9 imposed by BLM.

10 (7) When a Red Flag Warning or Fire Weather Watch is in effect for
11 the location in which the fire is to be kindled.

12 **EXCEPTION:**

13 Covered barbecues, or Recreational Fires confined to a permanent
14 fire ring and fueled solely by liquefied petroleum gas or natural gas, or Portable Outdoor
15 Fireplaces fueled solely by liquefied petroleum gas or natural gas.

16 (8) When the Fire Code Official has determined that local atmospheric
17 or other conditions present an increased risk of an escaping fire or other hazardous
18 situation.

19 (e) **Authorization.**

20 (1) A permit to kindle a fire shall only be issued to the owner of the
21 property upon which the fire is to be kindled.

22 **EXCEPTION:** When written authorization from the property owner
23 is provided, a permit may be issued to the person named in the authorization.

24 (2) Prior to applying for a permit to conduct an Open Burning Project,
25 written authorization or a permit from the Air Quality Management District (AQMD) for
26 the area in which the burning will occur must be provided. When authorized by the
27 AQMD, the San Bernardino County Fire Protection District may issue that permit.

28 (f) **Extinguishment Authority.** The Fire Code Official is authorized to order

1 or cause the extinguishment of any fire that creates or adds to a hazardous condition,
2 creates smoke emissions offensive to occupants of surrounding properties, is
3 conducted without a permit when such a permit is required, or is conducted outside of
4 the parameters set forth in this Section or a permit, when required. This authority
5 includes ordering the extinguishment of a fire within the fireplace of a private residence
6 when such a fire meets the criteria above.

7 (g) **Specific Fire Requirements.** All open fires shall also meet the following
8 requirements:

9 (1) **Open Burning Projects.** All Open Burning Projects shall meet the
10 requirements of this Section and the requirements of Rule 444 of the AQMD in which
11 the Open Burning Project will occur.

12 (A) **Permits.** A permit to kindle or maintain an Open Burning
13 Project shall be obtained from the AQMD and the Fire Code Official prior to kindling the
14 fire. All conditions of the permit and the AQMD's Rule 444 shall be adhered to.

15 (B) **Burn Periods.** Open Burning Projects shall only be
16 commenced and shall be completed within the periods specified in Rule 444 of the
17 AQMD in which the burn will occur, the periods specified in the municipal code of the
18 city or town in which the burn will occur, or the periods specified in the San Bernardino
19 County Fire Department Fire Prevention Standards, whichever is most restrictive.

20 (C) **Location.**

21 (I) Open Burning Projects shall not be located less than
22 50 feet from any structure or combustible materials.

23 **EXCEPTION:** When burn piles do not exceed 3 feet
24 in width or 2 feet in height, the minimum distance from a structure or other combustible
25 materials may be reduced to 25 feet.

26 (II) Open Burning Projects may only take place at the
27 location for which the permit is issued.

28 (D) **Open Burning Project Piles.**

(I) Piles to be burned shall not exceed 6 feet in width or 4 feet in height.

(II) Piles to be burned shall be separated by a minimum of 10 feet.

(III) Piles to be burned shall not be placed in a pit or depression.

(2) **Bonfires.**

(A) Permits. A permit to kindle or maintain a bonfire shall be obtained from the Fire Code Official prior to kindling the fire. All conditions of the permit shall be adhered to.

(B) Location. A bonfire shall not be kindled or maintained within 50 feet from any structure or combustible materials.

EXCEPTION: When a bonfire is confined to a barbecue pit and is used solely to produce coals for cooking, the minimum distance from a structure or other combustible materials may be reduced to 30 feet.

(3) **Recreational Fires.**

(A) Permits. A permit to kindle a Recreational Fire shall be obtained from the Fire Code Official pursuant to this Code prior to kindling the fire. All conditions of the permit shall be adhered to.

EXCEPTION: When a Recreational Fire, confined to a permanent fire ring, is fueled solely by liquefied petroleum gas or natural gas, a permit is not required.

(B) Location.

(I) A Recreational Fire shall not be kindled or maintained within 25 feet of a structure or combustible materials.

EXCEPTION: When a Recreational Fire, confined to a permanent fire ring, is fueled solely by liquefied petroleum gas or natural gas, the minimum distance from a structure or other combustibles may be reduced to 15 feet.

1 (II) Recreational Fires located within a Wildfire Risk Area
2 shall only be kindled within the property of an inhabited residence or a designated
3 campsite.

4 (4) **Portable outdoor fireplaces.**

5 (A) Permits. A permit to kindle a fire in a Portable Outdoor
6 Fireplace used within a Wildfire Risk Area shall be obtained from the Fire Code Official
7 prior to kindling the fire. All conditions of the permit shall be adhered to.

8 **EXCEPTION:** When a Portable Outdoor Fireplace is fueled
9 solely by liquefied petroleum gas or natural gas, a permit is not required.

10 (B) Location.

11 (I) A Portable Outdoor Fireplace used within a Wildfire
12 Risk Area shall not be kindled or maintained within 15 feet of a structure or combustible
13 materials.

14 **EXCEPTION:** At one- and two-family dwellings only, a
15 Portable Outdoor Fireplace may be located on a combustible patio or balcony if
16 provisions are made to prevent to Portable Outdoor Fireplace from contacting any
17 combustible materials.

18 (II) Portable Outdoor Fireplaces shall not be located on
19 any patio or balcony which is part of a multi-family dwelling such as an apartment, or
20 attached townhomes or condominiums.

21 (C) Spark Arrestors. All Outdoor Fireplaces, portable or fixed,
22 shall have a spark arresting screen covering all openings and constructed in
23 accordance with Section 305.5 of the California Fire Code, as amended.

24 (5) **Barbecues and Barbecue Pits.** A fire in a Barbecue Pit with total
25 fuel area greater than 3 feet in width or 2 feet in height shall meet the requirements of a
26 Bonfire pursuant to Section 26(g)(2).

27 (A) Permits.

28 (I) A permit to kindle a fire in a barbecue is not required.

1 (II) A permit to kindle a fire in a Barbecue Pit shall be
2 obtained from the Fire Code Official prior to kindling the fire. All conditions of the permit
3 shall be adhered to.

4 (B) Location.

5 (I) Barbecues shall not be operated on combustible
6 balconies or decks, or within 10 feet of combustible construction.

7 **Exceptions:**

8 (i) One- and two-family dwellings where
9 provisions are made to prevent the fire from spreading to any combustible materials.

10 (ii) Where buildings, balconies and decks are
11 protected by an automatic sprinkler system.

12 (iii) LP-gas cooking devices having an LP-gas
13 container with a water capacity not greater than 2 ½ pounds. Containers shall not be
14 manifolded together to increase capacity.

15 (iv) Cooking devices heated solely using a catalytic
16 heating element with no flame production.

17 (II) A Barbecue Pit shall not be kindled or maintained
18 within 20 feet of a structure or combustible materials.

19 (h) All Open Fires shall be constantly attended by a responsible adult, 18
20 years of age or older, until the fire is completely extinguished. A minimum of one
21 portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other
22 approved on-site fire-extinguishing equipment such as dirt or sand with a shovel, water
23 barrel, hose attached to a working water source, or water truck, shall be available for
24 immediate utilization.

25 (i) Ash and Ember Disposal. Ashes and embers from any open fire,
26 barbecue or fireplace shall be placed only in a covered metal or other non-combustible
27 container after being thoroughly cooled with water. At no time shall ashes or embers be
28 deposited in the trash or on the ground, or placed on a combustible surface until it is

1 confirmed that the ashes or embers are no longer hot to the touch.

2 **27. Explosives, Fireworks, Pyrotechnics, Rockets and Rocket Motors**

3 (a) It shall be unlawful for any person to manufacture, store, possess, handle,
4 sell, use, launch or create a public display of any Explosive, Firework, Pyrotechnic,
5 Rocket or Rocket Motors except in accordance with the San Bernardino County Fire
6 Protection District Fire Code Chapter 56 as adopted from the California Fire Code, the
7 San Bernardino County Fire Department Fire Prevention Standards and Interpretations
8 and any provision of any code or standard adopted or incorporated by reference by this
9 Code.

10 **EXCEPTIONS:**

11 (1) The Armed Forces of the United States, Coast Guard or National
12 Guard.

13 (2) Explosives in forms prescribed by the official United States
14 Pharmacopoeia.

15 (3) The possession, storage and use of small arms ammunition when
16 packaged in accordance with DOT packaging requirements.

17 (4) The use of explosive materials by federal, state and local
18 regulatory, law enforcement and fire agencies acting in their official capacities.

19 (5) Items preempted by federal regulations.

20 (b) The storage of explosives and blasting agents is prohibited in residential
21 areas, principal business districts, closely-built commercial areas and heavily-populated
22 areas, except as permitted by the San Bernardino County Sheriff's Department and the
23 San Bernardino County Fire Protection District in accordance with California Code of
24 Regulations, Title 19, and Title 4, Division 5 of the San Bernardino County Code.

25 (c) Unless otherwise permitted, the possession, storage, use, sale and
26 handling of any fireworks is prohibited within the County of San Bernardino and the
27 District. The possession, storage, sale, handling and use of specific types of approved
28 fireworks may be allowed pursuant to local laws, ordinances and regulations within

1 incorporated cities and towns of the County, provided such fireworks comply with
2 California Code of Regulations, Title 19, and labeled "Safe and Sane" by the California
3 State Fire Marshal.

4 (d) The Fire Code Official and his designees are authorized to seize, take,
5 remove or cause to be removed, at the expense of the owner, all stocks of fireworks,
6 including but not limited to, Division 1.4G consumer fireworks, as classified pursuant to
7 Title 49 Code of Federal Regulations, possessed, offered or exposed for sale, stored or
8 held in violation of any state or local laws and ordinances.

9 (e) The use of model and high-power rockets is prohibited within Wildfire Risk
10 Areas as defined in San Bernardino County Fire Protection District Fire Code Section
11 202 (as amended) except as permitted by the San Bernardino County Fire Protection
12 District.

13 (f) Permits shall be required as set forth in San Bernardino County Fire
14 Protection District Fire Code Section 105.6.14 (as amended) and regulated in
15 accordance with this Section. Permits shall be obtained from the San Bernardino
16 County Fire Protection District and the San Bernardino County Sheriff's Department in
17 accordance with Title 4, Division 5, Chapter 2, Section 45.0201 of the San Bernardino
18 County Code to:

- 19 (1) manufacture, possess, store, sell, display or otherwise dispose of
20 explosive materials at any location;
21 (2) transport explosive materials;
22 (3) use explosive materials;
23 (4) operate a terminal for handling explosive materials; or
24 (5) transport blasting caps or electric blasting caps on the same vehicle
25 with explosives.

26 (g) In addition to the requirements set forth in this chapter, the Sheriff's
27 Department or the Fire Protection District may, for the safety and security of the public,
28 set additional requirements for a permit application. The Sheriff's Department shall

1 notify the Fire Protection District, as soon as practicable, when any application has been
2 made for an explosives permit for a specific location and purpose.

3 (h) The Fire Code Official is authorized to limit the quantity of explosives,
4 explosive materials, or fireworks permitted at a given location. No person, possessing a
5 permit for storage of explosives at any place, shall keep or store an amount greater than
6 authorized in such permit. Only the kind of explosive specified in such a permit shall be
7 kept or stored.

8 (i) Whenever a new explosive material storage or manufacturing site is
9 established, including a temporary job site, the local law enforcement agency, fire
10 department, and local emergency planning committee shall be notified by the person
11 establishing the site 48 hours in advance, not including Saturdays, Sundays and
12 holidays, of the type, quantity and location of explosive materials at the site.

13 (j) The Fire Code Official is authorized to cause to be removed or disposed of
14 by trained explosives personnel, at the expense of the owner, explosives or explosive
15 materials offered or exposed for sale, stored, possessed or used in violation of this
16 Section.

17 (k) Notwithstanding any other provisions of Federal and State law, the
18 manufacture, storage, handling, sale, use or public display of any quantity of explosives,
19 explosive materials, fireworks or pyrotechnics including pyrotechnic special effects,
20 model rockets, high-power rockets and experimental rockets shall meet the
21 requirements of this Code and the San Bernardino County Fire Department Fire
22 Prevention Standards as well as the following requirements, whichever are most
23 restrictive:

24 (1) Explosives:

- 25 (A) California Health and Safety Code Division 11, Part 1
26 (B) 19 CCR, Division 1, Chapter 10,
27 (C) San Bernardino County Code Title 4, Division 5,
28 (D) NFPA 495.

- 1 (2) Fireworks Manufacture, Transportation, Storage, and Sales:
2 (A) California Health and Safety Code Division 11, Part 2
3 (B) 19 CCR, Division 1, Chapter 6,
4 (C) NFPA 1124.
- 5 (3) Fireworks Display:
6 (A) California Health and Safety Code Division 11, Part 2
7 (B) 19 CCR, Division 1, Chapter 6, Article 5,
8 (C) NFPA 1123
- 9 (4) Pyrotechnics:
10 (A) California Health and Safety Code Division 11, Part 2
11 (B) 19 CCR, Division 1, Chapter 6, Article 15,
12 (C) NFPA 1126.
- 13 (5) Model Rockets:
14 (A) 19 CCR, Division 1, Chapter 6, Article 17,
15 (B) NFPA 1122.
- 16 (6) Experimental Rockets/Unlimited:
17 (A) 19 CCR, Division 1, Chapter 6, Article 16,
18 (B) NFPA 1127
- 19 (7) Experimental High-Power Rockets:
20 (A) 19 CCR, Division 1, Chapter 6, Article 18,
21 (B) NFPA 1127
- 22 (8) Manufacture of Rocket Motors:
23 (A) 19 CCR, Division 1, Chapter 6,
24 (B) NFPA 1125
- 25 (I) Prior to conducting a public fireworks display, a permit shall be applied for
26 as specified in section 105.6.14 from the San Bernardino County Fire Protection District,
27 permit fees shall be paid, and plans for the display, inspections of the display site and
28 demonstrations of the display operations shall be approved. A plan establishing

1 procedures to follow and actions to be taken in the event that a shell fails to ignite in, or
2 discharge from, a mortar or fails to function over the fallout area or other malfunctions
3 shall be provided to the Fire Code Official.

4 **28. Prohibited Storage of Flammable and Combustible Liquids.**

5 The storage of flammable and combustible liquids in outside above-ground
6 unprotected tanks and below-grade vaulted tanks is prohibited in all commercial
7 occupancy areas, developed residential areas, and other areas where the Fire Code
8 Official determines that the installation of flammable and combustible liquid above-
9 ground storage tanks or below-grade vaulted tanks will create a hazard to occupants
10 and property owners in the area. Deviation from these requirements may be allowed
11 only upon specific documented findings by the Fire Code Official.

12 **29. Prohibited Bulk Storage of Liquefied Petroleum Gases.**

13 The aggregate capacity of any one installation for the bulk storage of liquefied
14 petroleum gases shall not exceed 2,000 water gallons in residential areas. In non-
15 residential areas, when, in the opinion of the Fire Code Official, the location of bulk
16 storage of liquefied petroleum gases would create a threat to the occupants and
17 property owners, the aggregate storage capacity of liquefied petroleum gas shall also
18 be limited to 2,000 water gallons. The Fire Code Official shall be guided by the
19 appropriate City or County Development Code when permitting the storage of liquefied
20 petroleum gas in excess of 2,000 water gallons at any one installation.

21 **30. Prohibited Storage of Flammable Cryogenic Fluids.**

22 Pursuant to Section 5806.2 of the San Bernardino County Fire Protection District
23 Fire Code as adopted from the California Fire Code, flammable cryogenic fluids shall
24 not be stored, dispensed or used unless a written plan, submitted by a Fire Prevention
25 Engineer, licensed by the State of California, detailing engineering controls for
26 preventing fires and explosions is approved by the Fire Code Official.

27 **31. Transport vehicles and trailers storing hazardous materials.**

28 (a) Any transport vehicle with a trailer, such as a tank, vessel, or other

1 container, attached and used for the purposes of storing and transporting hazardous
2 materials or hazardous waste as defined by this Code, upon being at a facility or
3 property for more than 30 days, or when such trailer has been detached from its mode
4 of transportation, or when the driver of such a vehicle is not carrying active shipping
5 papers as regulated by the California Department of Transportation (DOT) enroute to
6 another destination, shall comply with the provisions of this Section.

7 (b) **General.** Transport vehicles and trailers that contain less than or equal to
8 the maximum allowable quantities as set forth in Section 5003 of the San Bernardino
9 County Fire Protection District Fire Code as adopted from the California Fire Code for
10 each specific material, shall comply with the requirements of Chapter 50 of the San
11 Bernardino County Fire Protection District Fire Code, as well as any other applicable
12 regulations as part of a facility. Transport vehicles and trailers that contain more than
13 the maximum allowable quantities as set forth in Section 5003 for each specific material
14 shall comply with the requirements of Chapter 50 of this Code, as well as any other
15 applicable regulations relevant to a facility. The use, dispensing and handling of any
16 hazardous materials from transport vehicle trailers shall be prohibited unless approved
17 in writing by the Fire Code Official.

18 (c) **Submittals.** Transport vehicles and associated trailers shall comply with
19 the requirements of Section 5000.5.1 for Hazardous Materials Management Plan
20 (HMMP) and Section 5001.5.2 for Hazardous Materials Inventory Statement (HMIS) as
21 part of a regulated facility. These documents shall be submitted to the Office of the Fire
22 Marshal of the San Bernardino County Fire Protection District.

23 (d) **Prohibited Areas.** Transport vehicles or detached trailers storing
24 hazardous materials shall not be left stationary at any time within 500 feet (152m) of a
25 residential area, apartment or hotel complex, educational facility, hospital or care facility.
26 Transport vehicles and trailers shall not be left unattended at any other place that
27 would, in the opinion of the Fire Code Official, pose an extreme life safety hazard.

28 **32. Joint emergency and fire apparatus access roads.** Emergency and fire

1 apparatus access roads passing through multiple parcels shall comply with the following
2 requirements:

3 (a) Each owner of real property through which a joint emergency access road
4 passes shall record an easement, running with the land, with the deed of each affected
5 property allowing joint access to and from other properties and for emergency access.

6 (b) Each owner of property upon which the easement shall pass shall provide
7 a notarized covenant agreeing to provide an emergency access road through each
8 property and to maintain that access road in accordance with the statutes, regulations
9 and standards applicable at the time the easement was recorded for full term of
10 ownership of the property.

11 (c) Each owner of property through which the easement shall pass shall
12 provide a notarized waiver with the deed releasing the San Bernardino County Fire
13 Protection District, its successors and the County of San Bernardino of any liability for
14 any inability to provide fire suppression or emergency medical aid due to lack of access
15 and shall further stipulate that the San Bernardino County Fire Protection District, its
16 successors and the County of San Bernardino shall not be party to any criminal, civil or
17 administrative action relating to the maintenance of the easement unless the action is
18 brought forth by the Department, its successors, or the County.

19 **33. Violations – General.**

20 It shall be unlawful for any person, firm, partnership, or corporation to violate any
21 provision or fail to comply with any requirement of this San Bernardino County Fire
22 Protection District Code, the California Fire Code, the California Residential Code, the
23 San Bernardino County Fire Department Fire Prevention Standards, or of the provisions
24 of any code adopted and incorporated by reference by this Code.

25 **34. Continuing Violations.**

26 Each and every day, and any portion of which, any violation of this Code, the
27 California Fire Code, the San Bernardino County Fire Department Fire Prevention
28 Standards or of the provisions of any code adopted and incorporated by reference by

1 this Code is committed, continued, or permitted shall be deemed a new and separate
2 offense and shall be punishable or actionable as set forth in this Code.

3 **35. Acts Including Causing, Aiding and Abetting.**

4 Whenever in this Code any act or omission is made unlawful, it shall include
5 causing, permitting, aiding or abetting such act or omission.

6 **36. Enforcement – Purpose and Remedies.**

7 The Board of Directors of the San Bernardino County Fire Protection District has
8 determined that the enforcement of the ordinances of the San Bernardino County Fire
9 Protection District (also known as the San Bernardino County Fire Protection District
10 Code) throughout the County is an important public service and is vital to the protection
11 of the public's health, safety, and quality of life. The Board of Directors has determined
12 a need for alternative methods of code enforcement and that a comprehensive system
13 is necessary. At the discretion of the Department, violations of this Code may be
14 addressed through the institution of a criminal action, a civil action, or an administrative
15 action (administrative citations and penalties) as set forth in this Code.

16 **37. Enforcement Remedies and Penalties are Cumulative and Discretionary;
17 Not Exclusive.**

18 All remedies and penalties provided for in this Code shall be cumulative and
19 discretionary and not exclusive of other applicable provisions of this Code or other
20 applicable state law. The conviction and punishment (whether by fine, imprisonment, or
21 both) of any person hereunder pursuant to a criminal action, or the imposition of a
22 monetary administrative penalty pursuant to an administrative citation, shall not relieve
23 such person from the responsibility of correcting, removing, or abating the violation; nor
24 prevent the enforced correction, removal, or abatement thereof by the District, its
25 employees, agents, or representatives. The correction, removal, or abatement of a
26 violation begun after the issuance of a criminal citation or the filing of a criminal
27 complaint shall not be a defense to the infraction or misdemeanor so charged and,
28 following a conviction or plea of nolo contendere (commonly called "no contest"), shall

1 not be grounds for the dismissal of the action or the waiver, stay, or reduction of any
2 fine established in this Code. Further, the procedures established in this Code for the
3 use of administrative citations, and the procedures established in other titles and
4 chapters of this Code for administrative abatement and summary abatement as means
5 for addressing violations of this Code shall be in addition to criminal and civil or other
6 legal or equitable remedies established by law which may be pursued to address
7 violations of this Code. The use of this chapter shall be at the sole discretion of the
8 District. In the exercise of such discretion in selecting an appropriate code enforcement
9 remedy, the District shall not be required to institute available code enforcement
10 remedies in any particular order, or to prefer the application of one remedy to another.

11 **38. Criminal Actions.**

12 (a) **Criminal penalties for violations.**

13 Any person violating this San Bernardino County Fire Protection District Code,
14 the California Fire Code, the California Residential Code, the San Bernardino County
15 Fire Department Fire Prevention Standards or of the provisions of any code adopted
16 and incorporated by reference by this Code, unless as otherwise specified for certain
17 sections or for sections within a certain chapter, shall be deemed guilty of an infraction
18 or misdemeanor as hereinafter specified.

19 (1) **Misdemeanor violations.** Upon conviction of a misdemeanor, or
20 upon a plea of nolo contendere (commonly called "no contest"), the penalty shall be a
21 base fine of not less than \$500.00 and not more than \$1,000.00, or by imprisonment in
22 the County jail for a period of not more than six months, or by both such base fine and
23 imprisonment. Any court costs that the court may otherwise be required to impose
24 pursuant to applicable state law or local ordinance shall be imposed in addition to the
25 base fine.

26 (2) **Infraction violations.** Notwithstanding the foregoing, a
27 misdemeanor violation may be cited, charged, and prosecuted as an infraction. Where
28 so prosecuted, or where specified in a section or chapter of this Code that the violation

1 of a certain section or sections shall be an infraction, then that shall be the type of
2 offense and each such violation shall be punishable, except as otherwise provided
3 herein, upon conviction or upon a plea of nolo contendere (commonly called "no
4 contest"), by a base fine not exceeding \$100.00 for a first violation; (2) a base fine not
5 exceeding \$500.00 for a second violation of the same Code section within one year;
6 and (3) a base fine not exceeding \$1,000.00 for each additional violation of the same
7 Code section within one year of the first violation. Any court costs that the court may
8 otherwise be required to impose pursuant to applicable state law or local ordinance
9 shall be imposed in addition to the base fine (Government Code section 25132).

10 (b) **Criminal citations.**

11 (1) If any person is arrested by a District Investigator or any other
12 peace officer authorized to enforce this Code for a violation of any provision of this
13 Code, whether punishable as misdemeanor or as an infraction, and such person is not
14 immediately taken before a magistrate, when authorized by and as more fully set forth
15 in the Penal Code of California, the arresting officer shall prepare in duplicate a written
16 notice to appear in Court, containing the name and address of such person, the offense
17 charged, and the time and place where and when such person shall appear in court.

18 (2) The place specified in the notice to appear shall be the court of a
19 magistrate before whom the person would be taken if the requirement of taking an
20 arrested person before a magistrate were complied with, or shall be an officer
21 authorized by such court to receive a deposit of bail.

22 (3) The officer shall deliver one copy of the notice to appear to the
23 arrested person, and the arrested person, in order to secure release, must give his or
24 her written promise so to appear in court by signing the duplicate notice which shall be
25 retained by the officer. Thereupon the arresting officer shall forthwith release the
26 person arrested from custody.

27 (4) The officer shall, as soon as practicable, file the duplicate notice
28 with the magistrate specified therein. Thereupon, the magistrate shall fix the amount of

1 bail which in his or her judgment, in accordance with the provisions of Penal Code
2 section 1275, will be reasonable and sufficient for the appearance of the defendant and
3 shall endorse upon the notice a statement signed by him or her in the form set forth in
4 Penal Code section 815a. The defendant may, prior to the date upon which he or she
5 promised to appear in court, deposit with the magistrate the amount of bail thus set.
6 Thereafter, at the time when the case is called for arraignment before the magistrate, if
7 the defendant shall not appear, either in person or by counsel, the magistrate may
8 declare the bail forfeited, and may in his or her discretion order that no further
9 proceeding shall be had in such case.

10 (5) Upon the making of such order that no further proceedings be had,
11 all sums deposited as bail shall forthwith be paid into the County Treasury for
12 distribution pursuant to Penal Code section 1463.001.

13 (6) No warrant shall issue on such charge for the arrest of a person
14 who has given such promise to appear in court, unless and until he or she has violated
15 such promise or has failed to deposit bail, to appear for arraignment, trial or judgment,
16 or to comply with the terms and provisions of the judgment, as required by law.

17 (7) When a person signs a written promise to appear at the time and
18 place specified in the written promise to appear, and has not posted bail as provided in
19 Penal Code section 853.6, the magistrate shall issue and have delivered for execution a
20 warrant for his or her arrest within 20 days after his failure to appear as promised; or if
21 such person promises to appear before an officer authorized to accept bail, other than
22 the magistrate, and fails to do so on or before the date on which he or she promised to
23 appear, then, within 20 days after the delivery of such written promise to appear by the
24 officer to the magistrate having jurisdiction over the offense.

25 (8) Nothing herein contained shall be deemed or construed to require
26 any arresting officer to issue a citation instead of taking the person arrested before a
27 magistrate as otherwise provided by law.

28 **39. Authority to Investigate, Detain, Issue Criminal Citations and Arrest.**

1 (a) District Investigators designated by the Fire Chief/Fire Warden are peace
2 officers pursuant to California Penal Code Section 830.37(a), shall have full peace
3 officer powers pursuant to that Section and shall investigate the cause, origin and
4 circumstances of any fire, explosion or other hazardous condition. Department
5 Investigators are authorized to wear and carry authorized firearms, conduct
6 investigative detentions, issue criminal citations, to make arrests pursuant to California
7 Penal Code Section 836 for any violation of this Code, the San Bernardino County Fire
8 Department Fire Prevention Standards or any referenced or state law, obtain and
9 execute warrants and to seize and take charge of all physical evidence relating to the
10 fire cause or other crime or circumstance being investigated.

11 **40. Civil Actions.**

12 (a) **Injunctive relief and abatement.** At the request of any person
13 authorized to enforce this Code, the County Counsel or District Attorney may
14 commence proceedings for the abatement, removal, correction and enjoinder of any
15 act or omission that constitutes or will constitute a violation of this Code, the California
16 Fire Code, the California Residential Code, the San Bernardino County Fire Department
17 Fire Prevention Standards or of the provisions of any code adopted and incorporated by
18 reference by this Code or any permit issued pursuant to this Code, or any condition(s)
19 of approval for such permit granted pursuant thereto, and an order requiring the
20 violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are
21 involved, they shall be jointly and severally liable for the civil penalties and/or abatement
22 costs.

23 (b) **Civil Remedies and Penalties.** Any person, whether acting as principal,
24 agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or
25 otherwise, who violates any provision of this Code, or any permit issued pursuant to this
26 Code, the California Fire Code, the San Bernardino County Fire Department Fire
27 Prevention Standards or any condition(s) of approval for such permit granted pursuant
28 thereto, shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000.00)

1 per violation for each day or any portion thereof, that the violation continues to exist. In
2 determining the amount of civil penalty to be imposed, both as to the daily rate and the
3 subsequent total amount for any given violation, the court shall consider all relevant
4 circumstances, including, but not limited to, the extent of the harm caused by the
5 conduct constituting the violation; the nature and persistence of such conduct; the
6 length of time over which the conduct occurred or was repeated; the assets, liabilities,
7 and net worth of the violator; whether the violator is a corporate entity or an individual;
8 and any corrective action taken by the violator.

9 (c) **Attorney's fees.** In any civil action, administrative proceeding (excluding
10 administrative citations issued pursuant to sections 41, 42, 43 or 44), or special
11 proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an
12 abatement order, or other order, attorney's fees may be recovered by the prevailing
13 party and shall not exceed the amount of reasonable attorney's fees incurred by the
14 District in that action or proceeding.

15 **41. Administrative Citations and Penalties - General.**

16 (a) Any violation of this Code, the California Fire Code, the California
17 Residential Code, the San Bernardino County Fire Department Fire Prevention
18 Standards or of the provisions of any code adopted and incorporated by reference by
19 this Code is subject to enforcement through the issuance of an administrative citation
20 and penalties in accordance with Government Code section 53069.4 and this Section.
21 Administrative citations may be issued for any violation of this Code not occurring in the
22 presence of the officer issuing the citation where the issuing officer determines through
23 investigation that the responsible party committed, caused, allowed, or is otherwise
24 responsible for the violation. The following procedures shall govern the imposition,
25 enforcement, collection, administrative review, and judicial review of administrative
26 citations and penalties.

27 (b) **Definitions.** For the purposes of this Code, certain words are defined as
28 follows:

1 (1) "Abatement costs" shall mean any and all costs or expenses
2 reasonably related to the abatement or removal of conditions which violate any
3 provision of this Code or the correction of such violation, and shall include, but not be
4 limited to, enforcement, investigation, collection, administrative costs, and attorney's
5 fees.

6 (2) "Administrative costs" shall mean all costs incurred by or on behalf
7 of the District from the first discovery of the violation of this Code through the appeal
8 process and until compliance is achieved, including but not limited to, staff time in
9 investigating the violation, inspecting the property where the violation occurred,
10 preparing investigation reports, sending notices, preparing for and attending any appeal
11 hearing, telephone contacts, and correspondence.

12 (3) "Administrative citation" shall mean a citation issued pursuant to
13 this Code, stating that one or more violations of this Code has occurred and stating the
14 amount of the administrative penalty to be paid by the responsible party.

15 (4) "Ordinances of the San Bernardino County Fire Protection District,"
16 and "San Bernardino County Fire Code," and "this Code" shall mean the Ordinances of
17 the San Bernardino County Fire District, including all pertinent provisions of state codes
18 as from time to time adopted and incorporated therein, enacted by the Board of
19 Directors of the San Bernardino County Fire Protection District, acting pursuant to
20 authority granted under California Health and Safety Code sections 13861, 13869, and
21 13869.7; or other applicable law.

22 (5) "County" shall mean San Bernardino County and, as it is also
23 known, the County of San Bernardino, a political subdivision of the State of California,
24 as enacted by the State Legislature by the Statutes of California passed at the Fourth
25 Session of the Legislature, Chapter LXXVIII, April 26, 1853.

26 (6) "District" shall mean the San Bernardino County Fire Protection
27 District.

28 (7) "Enforcement Officer" shall mean any San Bernardino County Fire

1 Protection District employee, or agent of the County or District with the authority to
2 enforce any provision of this Code, pursuant to Sections 32, 34 and 35 of this Code.

3 (8) "Person" shall mean, without limitation, any government entity,
4 natural person, firm, association, club, organization, corporation, partnership, business,
5 business trust, company or other entity, which is recognized by law as the subject of
6 rights or duties.

7 (9) "Responsible party," for the purpose of this Code shall mean:

8 (A) Each person, other than a minor, who commits or causes a
9 violation of any provision of this Code to occur, exist or continue;

10 (B) Each person who is the parent or legal guardian of the minor
11 person who commits or causes a violation of any provision of this Code to occur, exist,
12 or continue;

13 (C) Each person who has a legal or equitable ownership interest
14 in any parcel of real property located within the unincorporated area of the County of
15 San Bernardino, within any political subdivision or district that contracts with the San
16 Bernardino County Fire Protection District for fire protection and prevention services, or
17 within those other cities and towns that ratify this Ordinance, and who commits, causes,
18 or otherwise allows the violation of any provision of this Code to occur, exist, or continue
19 on such parcel; and

20 (D) Each person who, although not an owner, nevertheless has
21 a legal right or legal obligation to exercise possession and control over any parcel of
22 real property located within the unincorporated area of the County of San Bernardino,
23 within any political subdivision or district that contracts with the San Bernardino County
24 Fire Protection District for fire protection and prevention services, or within those other
25 cities and towns that ratify this Ordinance, and who commits, causes, or otherwise
26 allows the violation of any provision of this Code to occur, exist, or continue on such
27 parcel; and

28 (E) In addition to the business entity itself, each person who is

1 an owner of that business entity in those cases in which the commission, occurrence,
2 existence, or continuation of the violation of any provision of this Code is most
3 reasonably attributable to that business entity and not to an employee of that business
4 entity.

5 (c) **Content of Citation.** The administrative citation shall be issued on a form
6 approved by the San Bernardino County Fire Protection District in consultation with
7 County Counsel. The administrative citation form may be tailored to the specific needs
8 of the issuing department as approved by the San Bernardino County Fire Protection
9 District; however, all administrative citations shall contain the following information:

10 (1) The name and mailing address of the responsible party.

11 (2) The administrative citation shall refer to the date(s) and location of
12 the violation and the approximate time(s), if applicable, that the violation was observed.

13 (3) The administrative citation shall identify each violation by the
14 applicable section number of this Code and by either the section's title or a brief
15 descriptive caption; or by reference to the applicable permit describing the condition
16 violated.

17 (4) The administrative citation shall describe the action(s) required to
18 correct the violations.

19 (5) The administrative citation shall require the responsible party to
20 immediately correct the violation where appropriate or otherwise indicate a compliance
21 deadline date and shall explain the consequences of failure to correct the violation.

22 (6) The administrative citation shall state the amount of the penalty
23 imposed for the violation. Multiple violations may be listed on the same citation form. In
24 the event of multiple violations, the administrative citation shall list the penalty amount
25 for each violation and the total amount of all of the penalties.

26 (7) The administrative citation shall contain a notation box for the
27 Enforcement Officer to indicate whether or not the citation is issued as a "warning only"
28 and without penalty. The administrative citation shall also include a notation box that

1 may be used by the Enforcement Officer to indicate that the penalty will be waived if the
2 violation is corrected by the compliance deadline date indicated on the citation form.

3 (8) The administrative citation shall explain how the penalty shall be
4 paid and the time period by which it shall be paid, and the consequences of failure to
5 pay the penalty within this time period.

6 (9) The administrative citation shall identify all appeal rights and
7 include instructions on how to appeal the citation.

8 (10) The administrative citation shall contain the printed name and the
9 signature of the Enforcement Officer issuing the citation and, where reasonably possible
10 to obtain it, the signature of the responsible party (or managing employee if the
11 responsible party is a business entity), if he or she can be located, as set forth in
12 subsection (d) below.

13 (d) **Service of Citation.**

14 (1) If the responsible party is present at the scene of the violation, the
15 Enforcement Officer shall attempt to obtain his/her signature on the administrative
16 citation and shall deliver a copy of the administrative citation to him/her.

17 (2) If the responsible party is a business, and the business owner is on
18 the premises, the Enforcement Officer shall attempt to deliver the administrative citation
19 to the business owner. If the Enforcement Officer is unable to serve the business owner
20 on the premises and the Enforcement Officer can only locate the manager or on-site
21 supervisor, the administrative citation may be issued in the name of the business and a
22 copy given to the manager or on-site supervisor. A copy of the administrative citation
23 shall also be mailed to the business owner by certified mail, return receipt requested,
24 and by first class mail. If a copy of the administrative citation that is sent by certified mail
25 is returned by the United States Postal Service unsigned or marked "unclaimed" and/or
26 "refused", then service by first class mail shall be deemed effective provided it is also
27 not returned by the United States Postal Service.

28 (3) If a responsible party cannot be located at the property, then a copy

1 of the administrative citation shall be posted in a conspicuous place on or near that
2 property, if practicable, and a copy mailed by certified mail, return receipt requested,
3 and by first class mail, to all responsible parties at their last known addresses as they
4 appear on the last County equalized assessment role, or any other available public
5 records related to title or ownership of the property that is the subject of the
6 administrative citation. If the copy of the administrative citation sent by certified mail to a
7 responsible party is returned by the United States Postal Service with the mail receipt
8 unsigned, or marked "unclaimed" and/or "refused," then service by first class mail shall
9 be deemed effective provided it is also not returned by the United States Postal Service.

10 (4) The failure of any responsible party to receive a copy of the
11 administrative citation shall not affect the validity of the proceedings.

12 (e) **Administrative Penalties - General.**

13 (1) Pursuant to California Government Code sections 53069.4 and
14 25132(c) and unless otherwise provided in this Code, the amount of penalty to be
15 imposed for a violation of this Code and assessed by means of an administrative
16 citation shall be one hundred dollars (\$100.00) for the first occurrence of a violation; five
17 hundred dollars (\$500.00) for the second occurrence of the same violation; and one
18 thousand dollars (\$1,000.00) for the third and each subsequent occurrence of the same
19 violation. Notwithstanding this paragraph, the amount of penalty to be assessed by
20 means of an administrative citation may be established by resolution of the Board of
21 Directors of the San Bernardino County Fire Protection District.

22 (2) **Administrative Penalties – Multiple Violations.**

23 Notwithstanding the tables of administrative penalties for violations
24 relating to Dangerous Fireworks, Safe and Sane Fireworks, False and Negligent Alarms
25 and those violations defined as egregious violations, when multiple violations of this
26 Code, the California Fire Code, the California Residential Code and the San Bernardino
27 County Fire Department Fire Prevention Standards or any provision of a code or
28 standards adopted or incorporated by reference by this Code occur concurrently and

1 are addressed through the Administrative Citation process pursuant to this section, the
2 Fire Code Official may, at his discretion, assess administrative penalties in the following
3 manner:

4 (A) The administrative penalty for the first and second violation
5 occurring concurrently shall be the full penalty as defined by Section 41(e)(1).

6 (B) The administrative penalties for the third and subsequent
7 violations occurring concurrently may be reduced to twenty-five (\$25.00) dollars per
8 violation.

9 (C) This alternative penalty system shall only apply to the first
10 occurrence within a 1-year period.

11 (3) If the violation is not corrected within the time limits established in
12 this section, then additional administrative citations may be issued for the same
13 violation. The amount of the penalty shall increase at the rate specified above.

14 (A) Payment of the penalty shall not excuse the failure to correct
15 the violation nor shall it bar further enforcement action by the San Bernardino County
16 Fire Protection District or any other enforcement agency authorized to issue
17 administrative citations.

18 (B) The penalties assessed shall be payable to the District (or to
19 the District's designated collection/processing agent), or to any enforcement agency
20 authorized to issue administrative citations (or to such agency's designated
21 collection/processing agent) within 30 calendar days from the date the administrative
22 citation is issued.

23 (C) Except as provided below, any person who fails to pay to the
24 District (or the District's designated collection/processing agent), or to any enforcement
25 agency authorized to issue administrative citations (or such agency's designated
26 collection/processing agent) any penalty imposed pursuant to the provisions of this
27 Code on or before the date that the penalty is due shall also be liable for the payment of
28 any applicable late payment charges as established by the Board of Directors.

1 (D) The District may collect any past due administrative citation
2 penalty or late payment charge by use of any available means, including without
3 limitation, the recording of a notice of lien, describing the real property affected and the
4 amount of the costs and administrative citation penalties claimed by the District with the
5 Office of the County Recorder. The District may transmit notice of the award of
6 abatement costs and administrative citation penalties, or notice of the judgment thereon
7 arising from a collection or other legal action, to the Treasurer/Tax Collector who shall
8 place the amount thereof on the assessment role as a special assessment to be paid
9 with County taxes, unless sooner paid. The District may also recover its collection costs.
10 A judgment or award of such costs, penalties or damages may also be enforced in any
11 other manner provided by law.

12 (E) The District may also recover its administrative costs
13 incurred in defending the citation at the appeal hearing.

14 (F) All administrative citation penalties collected pursuant to
15 these provisions shall be deposited into specific funds maintained by or on behalf of the
16 District exclusively for the purpose of funding the enforcement of this Code.

17 **42. Administrative Citations and Penalties – Dangerous Fireworks, and**
18 **Unlawful Use of Safe & Sane Fireworks.**

19 (a) This section governs, and applies only to, the imposition and enforcement
20 of administrative penalties related to the storage, possession, handling, sale, use,
21 transportation, or public display of those fireworks classified as "Dangerous Fireworks,"
22 and the unlawful use of Safe and Sane Fireworks.

23 (b) For the purposes of this section, the term "Dangerous Fireworks" shall be
24 defined pursuant to California Health and Safety Code Section 12500, et seq. and shall
25 also include "Safe and Sane" fireworks as defined in California Health and Safety Code
26 Section 12529, which have been modified to act in the same manner as Dangerous
27 Fireworks.

28 (c) The penalties enumerated in this section shall not apply to Law

1 Enforcement or Department personnel acting within the scope of their official duties or
2 to a pyrotechnic licensee when operating pursuant to that license.

3 (d) The imposition of administrative penalties related to "dangerous fireworks"
4 under this section shall be limited to persons who store, possess, handle, sell, use,
5 transport, or publicly display 25 pounds or less (gross weight including packaging) of
6 such dangerous fireworks. Any persons who store, possess, handle, sell, use,
7 transport, or publicly display over 25 pounds (gross weight including packaging) of such
8 dangerous fireworks may be subject to criminal action.

9 (e) Administrative penalties collected pursuant to this section related to
10 "dangerous fireworks" shall not be subject to California Health and Safety Code Section
11 12706, which section provides that certain fines collected by a court of the state be
12 deposited with, and disbursed by, the County Treasurer. However, the District shall
13 provide cost reimbursement to the State Fire Marshal pursuant to regulations to be
14 adopted by the State Fire Marshal addressing the State Fire Marshal's cost for the
15 transportation and disposal of "dangerous fireworks" seized by the District, which costs
16 will be part of any administrative penalty imposed. Unless and until said regulations
17 have been adopted by the state of California, the District shall hold in trust two hundred
18 fifty dollars (\$250) of any penalty collected to cover the cost reimbursement to the State
19 Fire Marshal for said cost of transportation and disposal of the "dangerous fireworks."

20 (f) Notwithstanding the penalties defined in this section, administrative
21 citations issued pursuant to this section shall comply with all the requirements of
22 Section 41 of this Code.

23 (g) Each person who violates any provision of this Code relating to the
24 storage, possession, handling, sale, use, transportation, or public display of Dangerous
25 Fireworks shall be subject to the imposition and payment of an increased administrative
26 penalty as provided, below:

27

28

Administrative Penalties for Dangerous Fireworks			
Number of	Amount of	Late	Total Amount of

<u>Occurrences in a 1-Year Period</u>	<u>Administrative Penalty</u>	<u>Charge</u>	<u>Penalty Plus Late Charge</u>
First	\$1,250.00	\$125.00	\$1,375.00
Second	\$2,250.00	\$225.00	\$2,475.00
Three or More	\$3,250.00	\$325.00	\$3,575.00

(h) Each person who violates any provision of this Code relating to the unlawful storage, possession, handling, sale, use, transportation, or public display of unmodified Safe and Sane fireworks shall be subject to the imposition and payment of an increased administrative penalty as provided in the table below:

Administrative Penalties for Safe and Sane Fireworks			
<u>Number of Occurrences in a 1-Year Period</u>	<u>Amount of Administrative Penalty</u>	<u>Late Charge</u>	<u>Total Amount of Penalty Plus Late Charge</u>
First	\$150.00	\$15.00	\$165.00
Second	\$250.00	\$25.00	\$275.00
Three or More	\$350.00	\$35.00	\$385.00

(i) The issuance of an administrative citation pursuant to this section shall not preclude the Fire Code Official or any other person authorized to issue an administrative citation pursuant to this section from seizing any Dangerous Fireworks or unlawfully used Safe and Sane fireworks pursuant to this Code and California Health and Safety Code Section 12721.

43. Administrative Penalties – Egregious Violations.

(a) Any person who violates Section 21 relating to Stop Work Orders, Section 23 relating to tampering with notices, Section 24 relating to overcrowding, Section 25 relating to obstructed egress, Section 26 relating to unlawful open fires, and Section 27 relating to explosives and pyrotechnics or any other violation of this Code, the California Fire Code, the San Bernardino County Fire Department Fire Prevention Standards or of the provisions of any code adopted or incorporated by reference by this Code that is reasonably determined by the Fire Code Official to present an immediate or potentially immediate threat to public safety, shall be subject to the imposition and payment of an

increased administrative penalty as provided in the table below:

Administrative Penalties for Egregious Violations			
Number of Occurrences in a 1-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	\$250.00	\$25.00	\$275.00
Second	\$750.00	\$75.00	\$825.00
Three or More	\$1,250.00	\$125.00	\$1,375.00

(b) For the purposes of this section, each instance of a violation may be considered a separate violation subject to a separate penalty. However, multiple violations cited during a single occurrence or inspection shall not each be considered a separate occurrence incurring a higher penalty amount. EXAMPLE: During an inspection two required exit doors are found to be chained and the dance hall is overcrowded. An administration citation may be issued for three (3) counts of egregious violations at \$250.00 each. An administrative citation for three (3) counts at \$750.00 each shall not be issued.

44. Administrative Remedies and Penalties - False and Negligent Fire Alarm Program.

(a) Any person who violates the San Bernardino County Fire Department Fire Prevention Standards pertaining to the False and Nuisance Fire Alarm Program may be subject to the following remedies:

(1) An administrative penalty may be imposed against the owner of a premises on or in which a Fire Alarm System is installed or permitted for the following reasons:

(A) Upon the fourth or additional False or Nuisance Fire Alarm at a single premises.

(B) If the owner fails to return a satisfactory Report of Service/Repair within fifteen (15) days after receiving the Fire Alarm Activation Report due to a Nuisance Fire Alarm.

1 (C) If the person identified in the Registration as a responder
2 and requested pursuant to the False and Nuisance Fire Alarms Program Standard fails
3 to appear within one (1) hour after being notified to respond.

4 (2) An administrative penalty may be imposed against the Fire Alarm
5 Business installing, repairing or providing monitoring or runner service for a Fire Alarm
6 System for the following reasons:

7 (A) If the Fire Code Official determines that the fourth or
8 additional False or Nuisance Fire Alarm was directly caused by an onsite employee or
9 representative of the Fire Alarm Business. In this event, no False Fire Alarm shall be
10 counted against the Owner.

11 (B) If the Fire Code Official determines that the person identified
12 in the Registration as a responder and requested pursuant to the False and Nuisance
13 Fire Alarms Program Standard is a runner provided for by the Fire Alarm Business and
14 that person fails to appear within one (1) hour after being notified to respond. In this
15 event, no False Fire Alarm shall be counted against the Owner.

16 (3) In lieu of or in addition to the Administrative Penalties listed above,
17 the Fire Code Official is authorized to order the owner of a premises to:

18 (A) Silence an activated Fire Alarm System, have corrective
19 action taken and thereafter reset it.

20 (B) Disconnect or deactivate the Fire Alarm System until
21 corrective actions can be taken.

22 (C) Institute a Fire Watch due to repetitive Nuisance or False
23 Fire Alarms or in the event a Fire Alarm System is silenced disconnected or
24 deactivated, until corrective action is taken.

25 (4) The Owner is responsible for paying all costs associated with
26 establishing a Fire Watch.

27 (5) The provisions of this section shall not apply to any newly installed
28 Fire Alarm System for a period of forty-five days (45) from the date of installation.

(6) Notwithstanding the provisions of Section 41 as adopted from the California fire Code, no administrative citation shall be imposed for the first three (3) False or Nuisance Fire Alarms at the same premises during each calendar year; thereafter any further False or Nuisance Fire Alarms may result in the imposition of an administrative penalty pursuant to this Section against the owner or the Fire Alarm Business.

(7) The activation of a Fire Alarm System shall not result in the imposition of an administrative penalty if the alarm is activated due to malicious causes beyond the control of the owner unless the Fire Code Official has given written notice to the owner to provide reasonable safeguards against additional False Fire Alarms and the owner has failed to comply with that notice.

(8) Administrative Penalties.

(A) Any person who violates any provision of this section shall be subject to the imposition and payment of an administrative penalty as provided in the table below:

Administrative Penalties for False or Nuisance Fire Alarms			
Number of Occurrences in a 1-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
Four to Five ¹	\$100.00	\$10.00	\$110.00
Six to Seven	\$200.00	\$20.00	\$220.00
Eight or More	\$500.00	\$50.00	\$550.00

1. This penalty shall also apply to any occurrence of Sections 44(a)(1)(B), 44(a)(1)(C), and 44(a)(2)(B).

45. Appeal of Administrative Citations

(a) **Notice of Appeal.** Any person in whose name an administrative citation has been issued may appeal the administrative citation by filing a written notice of appeal with the District. If the District has designated a processing agent, then the responsible party shall file his/her written notice of appeal with the designated processing agent. The written notice of appeal must be filed within 20 calendar days of

1 the date the administrative citation was served in a manner set forth in subsection (d) of
2 this Section. The written notice of appeal shall be filed together with an advance
3 deposit, consisting of a cashier's check, for the full amount of the penalty stated on the
4 administrative citation; unless the District has issued an advance deposit hardship
5 waiver. Failure to file a written notice of appeal within this time period shall constitute a
6 waiver of the right to appeal the administrative citation.

7 (b) **Advance Deposit Hardship Waiver.** Any person intending to appeal an
8 administrative citation and who is financially unable to make the advance deposit as
9 required by this section may file a written request for an advance deposit hardship
10 waiver with the District. A District-approved form shall be made for this purpose. The
11 written request shall be filed with the District within 10 calendar days of the date the
12 administrative citation was served.

13 (c) **Advance Deposit Hardship Waiver Evaluation Procedures.** The
14 advance deposit requirement shall be stayed pending a determination by the Fire
15 Chief/Fire Warden, or the Fire Chief/Fire Warden's designee, that a waiver shall not be
16 issued. The Fire Chief/Fire Warden, or the Fire Chief/Fire Warden's designee, may
17 waive the advance deposit requirement and issue a waiver only if the person requesting
18 the waiver submits to the Fire Chief/Fire Warden's attention a sworn affidavit, together
19 with any supporting documents or materials, reasonably demonstrating to the Fire
20 Chief/Fire Warden the person's actual financial ability to submit the deposit in advance
21 of the appeal hearing. The filing of a written request for an advance deposit hardship
22 waiver shall not extend the time limits for appealing an administrative citation. The Fire
23 Chief/Fire Warden, or the Fire Chief/Fire Warden's designee, shall issue a written
24 decision explaining the reason(s) for not issuing the waiver. The written decision of the
25 Fire Chief/Fire Warden, or the Fire Chief/Fire Warden's designee, shall be final. In the
26 event a waiver is not issued, the person intending to appeal must remit the advance
27 deposit with a written notice of appeal as herein provided.

28 (d) **Contents of Notice of Appeal.** The notice of appeal shall be submitted

on District-approved forms and shall contain the following information:

(1) A brief statement setting forth the appealing person's (hereinafter "appellant") interest in the proceedings;

(2) A brief statement of the material facts which the appellant claims supports his/her contention that they did not commit, cause, or otherwise allow a violation of one or more provisions of this Code to occur, exist, or continue as alleged in the administrative citation at issue; or he/she is not a responsible party as defined at section 41(b)(9) of this Code.

(3) A mailing address at which the appellant agrees that notice of any additional proceeding, or an order relating to the imposition of an administrative citation penalty, shall be received and accepted by the appellant by First Class Mail.

(4) The notice of appeal must be signed and dated by the appellant.

(e) **Administrative Hearing.** The resolution of an appeal of an administrative citation issued under the authority of this Code shall be by an administrative hearing conducted according to the procedures set forth in this section. Upon the District's designated processing agent's receipt of a timely, written notice of appeal from the appellant, an administrative hearing shall be held as follows:

(1) **Hearing Date.** The date of the hearing shall be set for a date that is no later than 60 days from the date the notice of appeal is received by the District's processing agent.

(2) **Notice of Hearing.** Notice of the administrative hearing shall be given to the appellant at least 10 calendar days prior to the hearing. The notice may be delivered to the appellant or mailed by first class mail to the address listed in the notice of appeal. Neither personal service nor service by certified mail shall be required.

(3) **Hearing Officer.** The administrative hearing shall be held before the Fire Chief/Fire Warden, or the Fire Chief/Fire Warden's designee. The Hearing Officer shall not be the Enforcement Officer who issued the administrative citation or his/her immediate supervisor. The Fire Chief/Fire Warden, through the District's

1 contracting process, may contract with a qualified provider for administrative processing
2 and collection services to provide hearing officers to conduct administrative hearings
3 and process administrative citations, including the collection of payment of
4 administrative citation penalties.

5 **(4) Conduct of the Hearing.**

6 (A) The Hearing Officer shall not be limited by the technical or
7 formal rules of evidence. The District shall bear the burden of proof at the
8 administrative hearing to establish the existence of a violation of this Code by a
9 preponderance of the evidence. The Hearing Officer shall have the discretion to
10 exclude evidence if its probative value is substantially outweighed by the probability that
11 its admission will cause an undue consumption of time. The Enforcement Officer
12 establishing or confirming the occurrence or existence of a violation of this Code shall
13 be deemed the complaining or reporting party. Personal or other identifying information
14 regarding any other reporting party shall be deemed both irrelevant and subject to the
15 federal and state constitutional rights of privacy; and, therefore, shall not be subject to
16 review or disclosure.

17 (B) If the appellant fails to appear at the administrative hearing,
18 the Hearing Officer shall make his/her determination based on the information contained
19 in the Enforcement Officer's case file and the appellant's notice of appeal.

20 (C) Provided that proper notice of the administrative hearing has
21 been served as required by this or other applicable chapters of this Code, an appellant
22 who fails to appear at the administrative hearing shall be deemed to have waived each
23 of the following: the right to such hearing, the adjudication of issues presented at the
24 hearing, and any and all rights afforded to the appellant under this Code. The appellant
25 shall also be deemed to have failed to exhaust his/her administrative remedies.

26 (D) The only evidence that shall be permitted at the
27 administrative hearing and considered by the administrative Hearing Officer in reaching
28 a decision, is that evidence which is relevant to the proof or disproof of:

- 1 (I) Ownership of the subject property, when applicable;
2 (II) Whether a person noticed by the District as a
3 responsible party is, in fact, a responsible party;
4 (III) Whether a violation of this Code occurred and/or
5 continues to occur on the date or dates specified in the administrative citation;
6 (IV) Whether the responsible party has committed,
7 caused, maintained, or permitted a violation of this Code on the date or dates specified
8 on the administrative citation.

9 (f) **Hearing Officer's Decision.**

10 (1) After considering all the testimony and evidence submitted at the
11 hearing, the Hearing Officer shall promptly issue a written decision ("Administrative
12 Citation Appeal Ruling") to uphold or cancel the administrative citation and shall list in
13 the decision the reasons for that decision.

14 (2) If the Hearing Officer determines that the administrative citation
15 should be upheld, then the amount of the penalties set forth in the citation shall not be
16 reduced or waived for any reason. This subsection shall not apply to "warning only"
17 administrative citations or to any administrative citation that indicates on its face that the
18 penalty will be waived if the violation is corrected by the deadline compliance date and
19 the violation is so corrected.

20 (3) If the administrative citation has been upheld, the Hearing Officer
21 may allow payment of the administrative penalty in installments, if an advance deposit
22 hardship waiver has been issued to the appellant.

23 (4) If the Hearing Officer overturns the administrative citation, then no
24 penalty shall be assessed and any penalty otherwise deposited with the District or its
25 designated processing/collection agent, shall be promptly refunded to the appellant.

26 (5) The appellant shall be served with a copy of the Hearing Officer's
27 written decision either at the conclusion of the hearing or sent by First Class Mail within
28 a reasonable time. The Hearing Officer's written decision shall become final on the date

1 of the hearing unless mailed; otherwise it shall become final on the date of mailing.

2 (6) The Hearing Officer's written decision shall contain instructions for
3 obtaining judicial review of the decision pursuant to California Government Code section
4 53069.4, as that section may be from time to time amended, or the successor provision
5 thereto.

6 (7) If the administrative citation is upheld, the Hearing Officer shall also
7 award the District its enforcement costs and its costs in defense of the citation (including
8 the actual time spent conducting the hearing). An itemized summary of these costs shall
9 be presented to the Hearing Officer by the District within 10 days following the Hearing
10 and mailed to appellant by 1st Class Mail to the address listed on the Notice of Appeal.

11 (g) **Judicial Review of Administrative Hearing Officer's Decision.**

12 (1) **Notice of Appeal.** Within 20 calendar days of the date of the
13 delivery or mailing of the Hearing Officer's decision to the appellant, the appellant
14 (hereafter "contestant") may contest that decision by filing an appeal to be heard by the
15 Superior Court, and paying to the court clerk the filing fee set forth at Government Code
16 section 53069.4, or the successor provision thereto. The failure to file the written appeal
17 and to pay the filing fee within this period shall constitute a waiver of the right to an
18 appeal and the decision shall be deemed confirmed. The contestant shall serve a copy
19 of the notice of appeal in person or by first class mail upon the District.

20 (2) **Conduct of the Superior Court Appeal Hearing.** The conduct of
21 the appeal before the Superior Court is a subordinate judicial duty and may be
22 performed by traffic trial commissioners and other subordinate judicial officers at the
23 direction of the presiding judge of the Superior Court. The appeal shall be heard de
24 novo, except that the contents of the District's file in the case shall be received in
25 evidence. A copy of the document or instrument of the District providing notice of the
26 violation and imposition of the administrative penalty (i.e., the administrative citation)
27 shall be admitted into evidence as prima facie evidence of the facts stated therein. The
28 court shall request that the District's file in the case be forwarded to the court, to be

1 received within 15 calendar days of the request.

2 (3) **Judgment.** The court shall retain the filing fee regardless of the
3 outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee
4 shall be reimbursed to the contestant by the District. Any deposit of the administrative
5 penalty shall be refunded by the issuing department in accordance with the judgment of
6 the court. If the administrative penalty has not been deposited and the decision of the
7 court is against the contestant and in favor of the District, the District may proceed to
8 collect the penalty pursuant to the procedures set forth in this Code, or in any other
9 manner provided by law.

10 **46. Recording of a Notice of Pendency**

11 (a) Whenever the District institutes a judicial action or proceeding to enforce
12 this Code, a Notice of Pendency of the action or proceeding may be filed with the
13 County Recorder's Office. The notice may be filed at the time of the commencement of
14 the action or proceeding, and upon recordation of the notice as provided in this section,
15 shall have the same effect as a notice recorded in compliance with section 409 of the
16 California Code of Civil Procedure.

17 (b) The County Recorder shall record and index the Notice of Pendency of
18 action or proceeding in the Grantor/Grantee Index.

19 (c) Any Notice of Pendency of action or proceeding filed in compliance with
20 this section may, upon motion of a party to the action or proceeding, be vacated upon
21 an appropriate showing of need therefore by an order of a judge of the court in which
22 the action or proceeding is pending.

23 (d) A certified copy of the "Order to Vacate Notice of Pendency" may be
24 recorded with the County Recorder's Office, and upon the recordation, the Notice of
25 Pendency of the action or proceeding shall not constitute constructive notice of any of
26 the matters contained therein nor create any duty of inquiry in any person thereafter
27 dealing with the property described therein.

28 (e) An "Order to Vacate Notice of Pendency" shall not be appealable, but the

1 party aggrieved by the order may, within 20 days after service of written notice of the
2 order, or within additional time not exceeding 20 days as the court may, within the
3 original 20 days allow, but in no event later than 60 days after entry of the order, petition
4 the proper reviewing court to review the order by Writ of Mandate.

5 (f) No "Order to Vacate Notice of Pendency" shall be effective, nor shall it be
6 recorded with the County Recorder's Office, until the time within which a petition for the
7 filing of a Writ of Mandate has expired in compliance with this section.

8 **47. Filing Notice of Action.**

9 Whenever an enforcement action is initiated and prior to filing a Notice of
10 Pendency, the District may, pursuant to Government Code section 27280, file with the
11 County Recorder's Office a Notice of Action identifying the enforcement action taken for
12 violation of this Code or other applicable law.

13 **48. Public Nuisance Abatement for Fire Hazards.**

14 Any violation of this Code, the California Fire Code, the San Bernardino County
15 Fire Department Fire Prevention Standards or of the provisions of any code adopted
16 and incorporated by reference by this Code may be deemed a fire hazard by the Fire
17 Code Official and acted upon pursuant to the public nuisance abatement provisions of
18 Chapter 5 of Division 3 of Title 2 of the San Bernardino County Code beginning with
19 Section 23.0503.

20 **49. Board of Appeals – Code Application and Interpretations.**

21 (a) In order to hear and decide appeals of orders, decisions or determinations
22 made by the Fire Code Official relative to the application and interpretation of this Code
23 (except for administrative citations issued pursuant to Sections 41, 42, 43, and 44),
24 there shall be two appeals boards, namely the Planning Commission and the Building
25 and Safety Board of Appeal.

26 (b) **Limitations on Authority.** An application for appeal shall be based on a
27 claim that the intent of this Code or the rules, standards and interpretations adopted
28 hereunder have been incorrectly interpreted, the provisions of this Code do not fully

1 apply, or an equivalent method of protection or safety is proposed. The board shall
2 have no authority to waive requirements of this Code.

3 (c) **Qualifications.** The board of appeals shall consist of members who are
4 qualified by experience and training to pass judgment on matters pertaining to hazards
5 of fire, explosion, hazardous conditions or fire protection systems and are not
6 employees of the Fire Code Official.

7 (d) **Appeals Hearings.** Appeals concerning standards of building
8 construction, electrical work, and all fire protection and detection systems shall be heard
9 by the Building and Safety Board of Appeal. All other appeals shall be heard by the
10 Planning Commission. Hearings shall be in accordance with this section.

11 (e) **Request for Hearing.** Any person may appeal the Department's
12 interpretation regarding the provisions of the San Bernardino County Fire Protection
13 District Fire Code within 15 days after the date such interpretation is rendered, or after
14 enforcement begins. Unless an imminent hazard to life or property exists, enforcement
15 involving an appealed interpretation may be suspended until a decision regarding the
16 appeal has been reached.

17 (f) **Hearing Procedures.** Within 30 days of the acceptance of an application
18 for an appeal, the County or City having jurisdiction shall set the matter for hearing and
19 shall give notice to the appellant, the applicant and to any other party who has
20 requested in writing to be so notified. During the hearing, witnesses may be sworn in
21 and examined and evidence produced, and parties may be represented by counsel.
22 The appropriate appeals board shall keep a record of the proceedings of each hearing
23 and shall issue written findings and a decision within 15 days of the conclusion of the
24 hearing. A written copy of the decision shall be mailed to the parties by first class mail,
25 at such addresses as they have provided.

26 (g) **Fees and Costs.** The Department shall act as staff to the Appeals Board,
27 and for that purpose may determine and set fees to charge an appellant to cover the
28 cost of preparation of the record for appeal. A summary of costs shall be compiled and

1 sent to the appellant after all the appeals proceedings have been completed. Any
2 refund due the appellant shall be returned within 60 days after the summary is sent.

3 **50. Cost Recovery.**

4 Pursuant to California Health & Safety Code sections 11374.5(b)(1), 13009 et
5 seq., 13916(a), 25259.4, 25514, 25515(a), 25540(a), 25541(a), California Government
6 Code sections 53150, 53151, 53152, 53159(a) & (b), California Vehicle Code section
7 23112.7, and all other provisions of law, all costs incurred by the San Bernardino
8 County Fire Protection District for the inspection and enforcement of any provision of
9 this Code, the investigation of any fire, explosion or other hazardous condition, the
10 suppression of fire, the response to a traffic collision or accident, the containment and/or
11 mitigation of a hazardous materials release, and any rescue or rendering of medical or
12 physical aid or assistance, may be charged to any responsible party, any person who
13 violates this Code or any person who, due to a negligent or unlawful act or omission, is
14 responsible for or requires or causes the emergency response of this Department
15 pursuant to a schedule of fees adopted by the District. Any expense incurred by this
16 District for such an emergency response shall constitute a debt of such person and shall
17 be collectible by the District in the same manner as in the case of an obligation under
18 contract, express or implied.

19 **51. Treble Damages.**

20 Upon a second or subsequent civil or criminal judgment for a violation of this
21 Code within a two-year period the violator shall be liable to the District for treble the
22 abatement costs.

23 SECTION 2. This ordinance shall take effect 30 days from the date of adoption.

24
25 
26 JANICE RUTHERFORD, Chair
27 Board of Directors
28

1 SIGNED AND CERTIFIED THAT A COPY
2 OF THIS DOCUMENT HAS BEEN DELIVERED
3 TO THE CHAIR OF THE BOARD OF DIRECTORS

4 
5 LAURA H. WELCH, Secretary
6 to the Board of Directors

7 STATE OF CALIFORNIA)
8) ss.
9 COUNTY OF SAN BERNARDINO)

10 I, LAURA H. WELCH, Secretary of the Board of Directors of the San Bernardino
11 County Fire Protection District, State of California, hereby certify that at a regular
12 meeting of the Board of Directors of the San Bernardino County Fire Protection District,
13 held on the 8th day of July, 2014, at which meeting were present
14 Supervisors:

Lovingood, Rutherford, Ramos, Ovitt, Gonzales

15 and the Secretary, the foregoing ordinance was passed and adopted by the following
16 vote, to wit:

17 AYES: DIRECTORS: Lovingood, Rutherford, Ramos, Ovitt, Gonzales
18 NOES: DIRECTORS: None
19 ABSENT: DIRECTORS: None

20 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
21 seal of the Board of Directors this 8th day of July, 2014

22 LAURA H. WELCH, Secretary to the Board of
23 Directors of the San Bernardino County Fire
24 Protection District

25 
26 Deputy

27 Approved as to Form:
28 JEAN-RENE BASLE, County Counsel

29 By: 
30 KENNETH C. HARDY
31 Deputy County Counsel

32 Date: 4/14/14